

Message from the House No. 43

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

Madam 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. 21. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bill Passed in Concurrence

House bill of the following title:

H. 10. An act relating to mental health insurance benefits.

Was read the third time and passed in concurrence on a roll call, Yeas 28, Nays 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Kitchel, Terenzini.

Bill Passed in Concurrence**H. 127.**

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

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

Adjournment

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

FRIDAY, APRIL 2, 2021

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 44

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

Madam President:

I am directed to inform the Senate that:

The House has adopted joint resolution of the following title:

J.R.H. 2. Joint resolution sincerely apologizing and expressing sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices.

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

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

S.C.R. 2. Senate concurrent resolution honoring former Franklin Selectboard Chair Peter Magnant for his exemplary civic leadership..

S.C.R. 3. Senate concurrent resolution honoring former Franklin Selectboard member Yvon Dandurand for his outstanding public service..

And has adopted the same in concurrence.

Joint Resolution Referred**J.R.H. 2.**

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

Joint resolution sincerely apologizing and expressing sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices.

Whereas, State institutions established in the 19th century, including the Vermont State Hospital for the Insane and the Vermont Reform School, became settings for the implementation of eugenics policies, and

Whereas, in 1912, the intent of the General Assembly to develop policies that in later years would be identified as the practice of eugenics was manifested with the passage of the subsequently vetoed S.79 of 1912, “An act to authorize and provide for the sterilization of imbeciles, feeble-minded, and insane persons, rapists, confirmed criminals and other defectives” and through the enactment of Acts and Resolves No. 81 of 1912, “An act to provide for the care, training and education of feeble-minded children,” the law authorizing the Brandon Training School, which opened in 1915, and

Whereas, in 1925, University of Vermont zoology professor Henry F. Perkins established the Eugenics Survey of Vermont, with the participation of leaders within Vermont State government, to collect evidence of Vermonters alleged delinquency, dependency, and deficiency, and

Whereas, State-sanctioned eugenics policies targeted Vermonters of Native American Indian heritage, including French-Indian and Abenaki families, and persons of mixed ethnicity and of French-Canadian heritage, as well as the poor and persons with disabilities, among others, and

Whereas, in 1927, S.59 “An act related to Voluntary Eugenic Sterilization” passed the Senate but was defeated in the House, and

Whereas, the General Assembly adopted 1931 Acts and Resolves No. 174 (Act 174) “An Act for Human Betterment by Voluntary Sterilization,” for the purpose of eliminating from the future Vermont genetic pool persons deemed mentally unfit to procreate, and

Whereas, Act 174 resulted in the sterilization of Vermonters, and whether these individuals provided informed consent can be questioned, and

Whereas, this State-sanctioned eugenics policy was not an isolated example of oppression, but reflected the historic marginalization, discriminatory treatment, and displacement of these targeted groups in Vermont, and

Whereas, eugenics advocates promoted sterilization for the protection of Vermont’s “old stock” and to preserve the physical and social environment of Vermont for their children, and

Whereas, the Eugenics Survey received assistance from State and municipal officials, individuals, and private organizations, and the resulting sterilization, institutionalization, and separation policies intruded on the lives of its victims and had devastating and irreversible impacts that still persist in the lives of the targeted groups and especially the descendants of those who were directly impacted, and

Whereas, in conducting the Eugenics Survey, the surveyors were granted access to case files from State agencies and institutions, and the files were

made available to persons of authority, including police departments, social workers, educators, and town officials, and

Whereas, as a result of the opening of these files, children and adults were removed from families, individuals were institutionalized or incarcerated, family connections were severed, and the sense of kinship, continuity and community was lost, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly sincerely apologizes and expresses its sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices, and be it further

Resolved: That the General Assembly recognizes that further legislative action should be taken to address the continuing impact of State-sanctioned eugenics policies and related practices of disenfranchisement, ethnocide, and genocide.

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

Bill Ordered to Lie

S. 100.

Senate bill entitled:

An act relating to universal school breakfast and lunch for all public school students and to creating incentives for schools to purchase locally produced foods.

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator Starr, the bill was ordered to lie.

Proposal of Amendment; Third Reading Ordered

H. 20.

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

An act relating to pretrial risk assessments and pretrial services.

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. 13 V.S.A. § 7554c is amended to read:

§ 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

~~(a)(1) The objective of a pretrial risk assessment is to provide information to the court for the purpose of determining whether a person presents a risk of nonappearance or a risk of re-offense so the court can make an appropriate order concerning bail and conditions of pretrial release. The assessment shall not assess victim safety or risk of lethality in domestic assaults.~~

(2) The objective of a pretrial needs screening is to obtain a preliminary indication of whether a person has a substantial substance abuse or mental health issue that would warrant a subsequent court order for a more detailed clinical assessment.

~~(3)~~(2) Participation in a ~~risk assessment or~~ needs screening pursuant to this section does not create any entitlement for the assessed ~~or~~ screened person.

(b)(1) Except as provided in subdivision (2) of this subsection, a judge may request that a pretrial services coordinator perform a risk assessment that assesses risk of flight for a person who is arrested, lodged, and unable to post bail within 24 hours of lodging shall be offered a risk assessment and, if deemed appropriate by the pretrial services coordinator, a needs screening prior to arraignment.

(2) A person charged with an offense for which registration as a sex offender is required pursuant to chapter 167, subchapter 3 of this title or an offense punishable by a term of life imprisonment shall not be eligible under this section.

(3) Participation in risk assessment or needs screening shall be voluntary and a person's refusal to participate shall not result in any criminal legal liability to the person.

(4) In the event ~~an assessment or~~ a screening cannot be obtained prior to arraignment, the ~~risk assessment and~~ needs screening shall be conducted as soon as practicable.

(5) A person who qualifies pursuant to subdivision (1) of this subsection and who has an additional pending charge or a violation of probation shall not be excluded from being offered a ~~risk assessment or~~ needs screening unless the other charge is a listed crime.

(6) Any person charged with a criminal offense ~~or~~, a person who is the subject of a youthful offender petition pursuant to 33 V.S.A. § 5280, or a person 18 years of age or older who is the subject of a delinquency petition pursuant to 33 V.S.A. § 5201, except those persons identified in subdivision (2) of this subsection, may choose to engage with a pretrial

services coordinator.

(c) The results of the risk assessment and needs screening shall be provided to the person and his or her attorney, the prosecutor, and the court. Pretrial services coordinators may share information only within the limitations of subsection (e) of this section.

(d)(1) At arraignment, the court may order a person who is eligible to engage with a pretrial services coordinator under subdivision (b)(6) of this section to do the following:

(A) meet with a pretrial services coordinator on a schedule set by the court;

(B) participate in a needs screening with a pretrial services coordinator; and

(C) participate in a clinical assessment by a substance abuse or mental health treatment provider and follow the recommendations of the provider.

(2) The court may order the person to engage in pretrial services. Pretrial services may include the pretrial services coordinator:

(A) supporting the person in meeting conditions of release imposed by the court, including the condition to appear for judicial proceedings; and

(B) connecting the person with community-based treatment programs, rehabilitative services, recovery supports, and restorative justice programs.

(3) If possible, the court shall set the date and time for the clinical assessment at arraignment. In the alternative, the pretrial services coordinator shall coordinate the date, time, and location of the clinical assessment and advise the court, the person and his or her attorney, and the prosecutor.

(4) An order authorized in subdivision (1) or (2) of this subsection shall be in addition to any conditions of release permitted by law and shall not limit the court in any way. Failure to comply with a court order authorized by subdivision (1) or (2) of this subsection shall not constitute a violation of section 7559 of this title.

(5) This section shall not be construed to limit a court's authority to impose conditions pursuant to section 7554 of this title.

* * *

Sec. 2. PILOT PROJECT; DEPARTMENT OF CORRECTIONS
REPORT TO COURT; PROBATION CONDITIONS

(a) The Department of Corrections, in consultation with the Court Administrator, the Department of State's Attorneys and Sheriffs, the Office of the Attorney General, and the Office of the Defender General, shall establish a pilot project to provide the court with a report prior to the sentencing of any defendant to a term of probation for a felony pursuant to 28 V.S.A. § 205. The report shall be designed to assist the court in setting probation conditions and shall include the defendant's risk and needs assessment results, mental health and substance use disorder screening results, and criminal history.

(b) The Department, the Court Administrator, the Department of State's Attorneys and Sheriffs, the Office of the Attorney General, and the Office of the Defender General shall jointly select one or two units in the Criminal Division for participation in the pilot project established by this section. On or before December 1, 2022, the Department shall report the results of the pilot project to the Joint Legislative Justice Oversight Committee. The report shall recommend whether the pilot project should be made permanent throughout the State.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

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

Senate Concurrent Resolutions

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

By Senators Parent and Brock,

By Reps. Hango and Martin,

S.C.R. 2.

Senate concurrent resolution honoring former Franklin Selectboard Chair Peter Magnant for his exemplary civic leadership..

By Senators Parent and Brock,

By Reps. Hango and Martin,

S.C.R. 3.

Senate concurrent resolution honoring former Franklin Selectboard member Yvon Dandurand for his outstanding public service..

Adjournment

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, April 6, 2021, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 21.

TUESDAY, APRIL 6, 2021

The Senate was called to order by the President.

Devotional Exercises

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

Pledge of Allegiance

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

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 22.

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

By Senator Balint,

J.R.S. 22. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 9, 2021, it be to meet again no later than Tuesday, April 13, 2021.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 134.

By Senators Terenzini, Collamore and Hooker,

An act relating to the Vermont State Colleges.

To the Committee on Education.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time and is as follows:

S. 135. By the Committee on Finance,

An act relating to separating the individual and small group health insurance markets for plan year 2022.

Thereupon, pursuant to Temporary Rule 44A the bill having failed to meet cross-over was referred to the Committee on Rules.

Bill Passed in Concurrence with Proposal of Amendment

H. 20.

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

An act relating to pretrial risk assessments and pretrial services.

Third Readings Ordered

H. 149.

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

An act relating to modernizing statutes related to the Vermont National Guard.

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.

H. 338.

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

An act relating to reapportionment proposal deadlines.

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.

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 7, 2021.

WEDNESDAY, APRIL 7, 2021

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

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 45

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

Madam President:

I am directed to inform the Senate that:

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

H. 315. An act relating to COVID-19 relief.

And has severally concurred therein with further amendments in the passage of which the concurrence of the Senate is requested.

Message from the House No. 46

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

Madam President:

I am directed to inform the Senate that:

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

H. 227. An act relating to approval of amendments to the charter of the City of Winooski.

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. 227.

An act relating to approval of amendments to the charter of the City of Winooski.

To the Committee on Rules.

Adjournment

At 1:15 P.M. in the afternoon and no quorum of the Senate having assembled, pursuant to Rule 9 of the Senate Rules, the Senate adjourned until one o'clock in the afternoon on Thursday, April 8, 2021.

THURSDAY, APRIL 8, 2021

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. 47

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

Madam 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. 22. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bills Passed in Concurrence

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

H. 149. An act relating to modernizing statutes related to the Vermont National Guard.

H. 338. An act relating to reapportionment proposal deadlines.

**House Proposal of Amendment to Senate Proposal of Amendment
Concurred In; Rules Suspended; Bill Messaged****H. 315.**

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

An act relating to COVID-19 relief.

Was taken up.

The House concurs in the Senate proposal of amendment with further amendment thereto by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Federal Funding, Administration * * *

Sec. 1. FEDERAL FUNDS; ANTICIPATED RECEIPTS

(a) To the extent that appropriations in this act are made from federal funds provided by the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2, in the Coronavirus State Fiscal Recovery Fund and the Elementary and Secondary School Emergency Relief Fund, the Commissioner of Finance and Management is authorized to make expenditures in anticipation of receipts as necessary. The Commissioner shall immediately notify the House and Senate Committees on Appropriations, or the Joint Fiscal Committee through the Joint Fiscal Office when the General Assembly is not in session, if any such expenditure is later deemed impermissible by subsequent federal guidance.

(b) The Commissioner shall maximize the use of Federal Emergency Management Administration (FEMA) funds where expenses are eligible, and the use of FEMA funds does not delay or inhibit the purpose of the funded program or activity. To the extent that FEMA funding is used, the Commissioner shall reduce funding to the extent that FEMA resources reduce the need for appropriated resources.

(c) The appropriations in this act shall carry forward from fiscal year 2021 until expended.

Sec. 1a. AMERICAN RESCUE PLAN ACT OF 2021: ACCEPTANCE OF SPECIFIC FEDERAL GRANTS

(a) Notwithstanding 32 V.S.A. § 5, funds from the American Rescue Plan Act of 2021 (ARPA), the Coronavirus State Fiscal Recovery Fund, and the Coronavirus Capital Projects Fund shall be deposited into the State Treasury and are hereby accepted and shall be spent subject to appropriation.

(b) Notwithstanding 32 V.S.A. § 5, any funds received through Section 2001 of the Elementary and Secondary School Emergency Relief Fund and not required to be made as subgrants to local educational agencies in ARPA shall be spent subject to appropriation.

Sec. 1b. REPORTING BY ENTITIES OUTSIDE STATE GOVERNMENT ON USE OF FUNDS

Any recipient State agency that grants funds appropriated in this act to a non-State recipient shall require that recipient to report on the specific uses of the funds on or before November 1, 2021. Granting agencies shall compile and report on the use of these funds to the General Assembly by December 1, 2021.

Sec. 1c. INTENT REGARDING FUTURE STATE FUNDING

The purpose of funding appropriated from ARPA in this act is related to addressing impacts of the COVID-19 pandemic as well as making investments for a sustained economic recovery. The appropriation of these funds is not intended to create a future funding commitment from other State funds.

Sec. 2. REMAINING CORONAVIRUS RELIEF FUNDS;
CARRYFORWARD, REVERSION, AND APPLICATION

(a) To the extent that Coronavirus Relief Fund (CRF) spending authority made through appropriation or by approval of the Joint Fiscal Committee remains available as of June 30, 2021, any amounts necessary to pay for expenditures that have been obligated but not paid out as of June 30, 2021 shall carry forward to fiscal year 2022.

(b) Prior to the close of fiscal year 2021, the Commissioner of Finance and Management is authorized to revert all unobligated CRF appropriations to the State CRF. In fiscal year 2021, the total amount of CRF reverted under this subsection shall be appropriated to any agency or department for CRF eligible public safety payroll and benefits costs or other eligible CRF costs and the same amount of General Fund appropriated shall be reverted. To the extent there are insufficient CRF eligible costs in fiscal year 2021, any remaining reverted CRF balance shall be appropriated and carried forward to any agency or department with eligible CRF costs in fiscal year 2022 where an equal amount of general funds shall be reverted in fiscal year 2022 through the budget adjustment process.

(c) The Commissioner shall report to the House and Senate Committees on Appropriations on or before June 1, 2021 with estimates of each of the following: CRF carryforward need, CRF reversions, and total CRF appropriations to the Department of Corrections and other departments with eligible CRF costs; and the General Fund reversions anticipated on or before June 30, 2021 as authorized under this section. The report shall also include a brief description of the degree to which Federal Emergency Management Agency (FEMA) funding applications and awards are impacting these estimates. The Commissioner shall provide an update on these amounts to the Joint Fiscal Committee at its meeting in July 2021.

* * * Commerce and Community Development; Targeted Business Grants * * *

Sec. 3. ECONOMIC RECOVERY BRIDGE GRANTS

(a) Purpose.

(1) The purpose of this section is to provide bridge funding to businesses that suffered a tax loss in 2020 and require immediate State aid, either to remain open or to reopen the business, until additional federal funds can be deployed and until the economic recovery provides a more stable stream of revenue to support business operations.

(2) The funding in this section is primarily intended for businesses that have not received prior State or federal financial assistance. Because these businesses have not benefited from State or federal programs, they are eligible for grants that will provide funding for fixed operating costs or a threshold amount in order to ensure they remain viable.

(3) To the extent that funds remain available, businesses that have already received prior State or federal assistance may receive grants under the program, with priority for those businesses that, after adding to the business's income the amount of any nontaxable COVID-19-related direct financial assistance from State or federal sources, the business still would have suffered a tax loss.

(b) Appropriation.

(1) In fiscal year 2021, the amount of \$10,000,000.00 is appropriated from the American Rescue Plan Act of 2021- Coronavirus State Fiscal Recovery Fund to the Agency of Commerce and Community Development to provide grants to eligible businesses pursuant to this act.

(2) The Agency may use not more than five percent of the appropriated funds for the costs of administration, including technical assistance and guidance concerning potential eligibility for federal programs.

(3) The Agency shall make best reasonable efforts to conduct outreach, provide information, and provide necessary assistance for women- and BIPOC-owned businesses to access grant funds.

(c) Eligibility. To be eligible for a grant, a business shall meet the following criteria:

(1) The business is domiciled or has its primary place of business in Vermont.

(2) The business is organized and operated:

(A) on a for-profit basis, including a sole proprietor, partnership, limited liability company, business corporation, cooperative, or mutual benefit enterprise; or

(B) on a nonprofit or low-profit basis, including a mutual benefit corporation, public benefit corporation, and a low-profit limited liability company.

(3) The business:

(A) is open at the time of application and attests that it will use grant funds for business-related operations and economic recovery; or

(B)(i) is closed at the time of application due to the COVID-19 public health emergency;

(ii) attests that it will use grant funds for resuming its business operations and economic recovery; and

(iii) submits a brief written description of its good faith plan to reopen.

(4) The business suffered a tax loss due to the COVID-19 public health emergency as evidenced by its federal 2020 income tax return.

(5) The business complies with current State health and safety protocols established by Executive Order.

(d) Amount of grant.

(1) A grant shall not exceed the lesser of:

(A) three times the eligible business's fixed monthly expenses for commercial mortgage or rent, insurance, electricity, heat, water, sewer service, telecommunications service, and Internet service; or

(B) \$150,000.00.

(2) The Agency may reduce the amount of a grant pursuant to guidelines it adopts for that purpose based on the amount of any COVID-19-related direct financial assistance that the business has received from State or federal sources.

(e) Grant administration; priorities.

(1) Beginning on the date the Agency begins accepting applications, for an initial 30-day period, the Agency may accept applications from eligible businesses but shall award grants only to eligible businesses that have not received any COVID-19-related direct financial assistance from State or federal sources.

(2) After the initial 30-day period, the Agency shall continue to accept applications and award grants consistent with the following:

(A) The Agency shall give first priority to eligible businesses that have not received any COVID-19-related direct financial assistance from State or federal sources.

(B) The Agency shall give subsequent priority to eligible businesses that, after adding to the business's income the amount of any nontaxable COVID-19-related direct financial assistance from State or federal sources, the business still would have suffered a tax loss.

(f) Grant administration; use of funds; future grant awards. Any amounts that remain unspent through the program shall revert to the Agency of Commerce and Community Development for purposes of supplementing any future economic recovery grant program established prior to January 1, 2022 and, if no program is established, then to the American Rescue Plan Act of 2021 – Coronavirus State Fiscal Recovery Fund.

(g) Guidelines. Not later than 10 days after the effective date of this act, the Agency shall publish guidelines governing the implementation of the program, which at minimum shall:

(1) establish application award procedures and a timeline for accepting applications;

(2) establish standards to determine whether an eligible business has its primary place of business in Vermont;

(3) establish standards for the use of grant funds for the purpose of business-related economic recovery;

(4) establish procedures to ensure that grant awards comply with the requirements of this section and that the State maintains adequate records to demonstrate compliance with this section;

(5) establish procedures to prevent, detect, and mitigate fraud, waste, error, and abuse; and

(6) establish procedures to ensure that grant applicants comply with State and federal employment and labor laws.

(h) Reporting. The Agency shall submit two reports to the House Committees on Appropriations and on Commerce and Economic Development and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs detailing the implementation of this section, including specific information concerning the amount, identity, and demographic information of grant recipients, which shall be publicly available:

(1) an initial report following the 30-day approval period specified in subdivision (e)(1) of this section; and

(2) a final report not later than 30 days after program funds are exhausted.

(i) Auditing; compliance. The Agency shall include in all grant awards standard audit provisions, substantially similar to the audit provisions included pursuant to Administrative Bulletins 3.5 and 5.0, that provide that records pertaining to grant awards shall be retained and remain subject to audit and inspection by the Agency and the State Auditor of Accounts for a period of time specified by the Agency.

(j) Recapture. The Agency shall include in all grant awards standard recapture provisions, which shall include that a grant award may be subject to recapture if a recipient is found to be ineligible for the award or to have used an award for an ineligible purpose, consistent with the guidelines the Agency adopts pursuant to subsection (g) of this section.

Sec. 3a. VERMONT MICROBUSINESS DEVELOPMENT FUNDING

The sum of \$500,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to the Department for Children and Families, Office of Economic Opportunity, to be granted to the Community Action Agencies for the Statewide Community Action Network's Economic Micro Business Recovery Assistance for the COVID-19 Epidemic (EMBRACE) to assist the Vermont microbusiness owners impacted by COVID-19 and for new businesses started by individuals 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.

* * * Housing and Homeowner Assistance * * *

Sec. 4. VERMONT HOUSING AND CONSERVATION BOARD, HOUSING AND FACILITIES

The sum of \$10,000,000.00 is appropriated from the General Fund to the Vermont Housing and Conservation Board in fiscal year 2021, which the Board shall use, in part through grants to nonprofit housing partners and service organizations, for housing and facilities necessary to provide safe shelter to lower-income and at-risk populations. These funds are intended to be expended as expeditiously as possible on projects ready to proceed in 2021 and designed to meet immediate housing needs.

Sec. 5. HOMEOWNER; MORTGAGE ASSISTANCE FORECLOSURE PREVENTION

The sum of \$5,000,000.00 is appropriated from the Coronavirus Relief Funds in fiscal year 2021 to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency to provide financial and technical assistance to stabilize low- and moderate-income homeowners and prevent home foreclosures for Vermont families. To the extent permitted by federal law and guidance, these funds may be used to provide mortgage assistance retroactively to January 1, 2021.

* * * Human Services, Mental Health and Health Care * * *

Sec. 6. DEPARTMENT OF MENTAL HEALTH; EMERGENCY OUTREACH SERVICES GRANTS

The sum of \$300,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 for grants to peer-led and impacted member-led organizations for emergency outreach services to address COVID-19-related needs. Of these funds, the Department shall allocate \$150,000.00 to a mental health peer-support organization and \$150,000.00 to an organization supporting the needs of LGBTQ youths.

Sec. 7. DEPARTMENT OF MENTAL HEALTH; HOUSING

The sum of \$4,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 to make existing housing and community-based service facilities providing mental health services more accessible, safe, and compliant with the Americans with Disabilities Act or to expand capacity in community settings. The Department shall select the projects in consultation with the Agency of Human Services Secretary's Office, the Department of Disabilities, Aging, and Independent Living, and representatives of the designated agencies, specialized service agencies, and peer organizations. The grants shall be awarded to organizations that demonstrate the greatest ability to respond immediately to the need for housing and shall be for projects that will not require additional State funds for operating costs in future years. At least one grant shall be awarded to a peer-run or peer-directed housing organization. The Department of Mental Health shall partner with the Agency of Human Services Secretary's Office and the Department of Disabilities, Aging, and Independent Living to include as potential grant candidates all designated and specialized service agencies that provide developmental disability or mental health services.

Sec. 8. DEPARTMENT OF MENTAL HEALTH; CASE MANAGEMENT SERVICES

The sum of \$850,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 to provide funds to the designated community mental health agencies to enable them each to hire an additional case manager to provide case management services to Vermont residents who may not previously have been part of an agency's caseload but whose lives have been significantly disrupted by the COVID-19 pandemic and who are now urgently in need of these agencies' supports. Agencies have the flexibility to identify where the targeted need exists within their agency, across all programs. The purpose of the funds appropriated in this section is limited to addressing the impacts related to the COVID-19 pandemic and the appropriation of these funds is not intended to create an ongoing funding commitment.

Sec. 9. DEPARTMENT OF MENTAL HEALTH; WORKFORCE TRAINING AND WELLNESS SUPPORTS

The sum of \$150,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 for training and wellness supports for frontline health care workers to help them meet Vermont residents' current mental health needs, such as training for emergency department personnel responding to an increased demand for crisis services as a result of the COVID-19 pandemic and training on trauma-informed and trauma-specific care for mental health professionals responding to the surge in mental health treatment needs. These workers would also benefit from wellness supports as they continue to care for people in crisis while experiencing their own stress, anxiety, and trauma as a result of the pandemic.

Sec. 9a. RECOVERY CENTER SUPPLEMENTAL GRANTS

The sum of \$240,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Health to make grants of \$20,000.00 to cover the financial impacts of the ongoing COVID-19 pandemic at each of the recovery centers statewide.

Sec. 10. SUPPORTS FOR NEW AMERICANS, REFUGEES, AND IMMIGRANTS

(a) The sum of \$700,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Human Services in fiscal year 2021 for distribution in equal amounts to the Association of Africans Living in Vermont and the U.S. Committee for

Refugees and Immigrants' Vermont Refugee Resettlement Program for various purposes related to COVID-19, including:

(1) interpretation and translation services related to COVID-19, including accessing testing and vaccines;

(2) purchasing laptops and providing digital literacy for households to ensure that children can attend school remotely, that families can access telehealth services, and that adult family members can find employment;

(3) providing case management services related to an increased need related to housing assistance, workforce development, and employment coaching; and

(4) providing navigation of Reach Up, 3SquaresVT, and other public assistance programs following job losses.

Sec. 11. GRANTS TO REACH UP PARTICIPANTS

The sum of \$1,300,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department for Children and Families in fiscal year 2021 for the purposes of distributing monies to families participating in the Reach Up program. These funds shall be distributed in a manner similar to the distribution of funds to this population pursuant to 2020 Acts and Resolves No. 136, Sec. 15.

Sec. 12. VERMONT FOOD BANK

(a) The sum of \$1,376,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to the Agency of Human Services' Central Office to be granted to the Vermont Food Bank to pay the costs of the Vermont Farmers to Families Food Box Program for the months of January and February 2021.

(b) The sum of \$82,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to the Agency of Human Services' Central Office to be granted to the Vermont Food Bank for statewide provision of diapers to families in need.

Sec. 13. GRANT TO THE ASSOCIATION FOR THE BLIND AND VISUALLY IMPAIRED

The sum of \$100,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Disabilities, Aging, and Independent Living in fiscal year 2021 to be granted to the Vermont Association for the Blind and Visually Impaired for a technology training program for older Vermonters who experience decreased

vision and blindness and others who are blind or visually impaired to address social isolation resulting from social distancing.

Sec. 14. GREEN MOUNTAIN CARE BOARD; DEPARTMENT OF HEALTH; HEALTH CARE DISPARITIES; DATA COLLECTION AND ANALYSIS

(a) The sum of \$66,000.00 is appropriated from the General Fund to the Green Mountain Care Board in fiscal year 2021 to provide the State share pursuant to 18 V.S.A. § 9374(h) for updates to the Vermont Healthcare Claims Uniform Reporting and Evaluation System (VHCURES) to improve data collection related to health equity.

(b) The sum of \$134,000.00 is appropriated from the General Fund to the Department of Health in fiscal year 2021 for collection and analysis of demographic data, including race and ethnicity data, regarding Vermont residents who experience health disparities.

Sec. 14a. 18 V.S.A. § 1129(d) and (e) are amended to read:

(d) The Department may provide confidential registry information to health care provider networks serving Vermont patients, to the Vermont Health Information Exchange, and, with the approval of the Commissioner, to researchers who present evidence of approval from an institutional review board in accordance with 45 C.F.R. § 164.512.

(e) Prior to releasing confidential information pursuant to subsections (c) and (d) of this section, the Commissioner shall obtain from State registries, health care provider networks, the Vermont Health Information Exchange, and researchers a written agreement to keep any identifying information confidential and privileged.

* * * Education * * *

Sec. 15. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM

(a) Appropriation. In fiscal year 2021, \$15,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund for the Pre-K–12 Education Pandemic - School Indoor Air Quality Grant Program established in 2020 Acts and Resolves No. 120, Sec. A.51. This appropriation may be adjusted if the Commissioner of Finance and Management determines that FEMA funds will be awarded for this purpose. At the Agency's discretion, the funds authorized by this section shall be either granted by the Agency of Education or paid to Efficiency Vermont to carry out the duties listed in 2020 Acts and Resolves No. 120, Sec. A.51(e). Efficiency Vermont is authorized to use up to \$250,000.00 of the \$15,000,000.00 appropriated under this section for direct labor costs.

(b) Authorization. Efficiency Vermont shall require that any school that receives a grant through the School Indoor Air Quality Grant Program established in 2020 Acts and Resolves No. 120, Sec. A.51 authorize Efficiency Vermont to release the school name and grant amount in any report requested by the General Assembly.

(c) Reporting. Upon expenditure of the funds, the Agency of Education shall report to the House and Senate Committees on Appropriations on the specific uses of the funds appropriated in subsection (a) of this section on or before March 15, 2022.

Sec. 16. EDUCATION SERVICES; FEDERAL FUNDS APPROPRIATIONS

(a) Afterschool and Summer Programs: In fiscal year 2021 and to be carried forward, the sum of \$4,000,000.00 is appropriated from federal funds for Elementary and Secondary School Relief (ESSR) provided in the American Rescue Plan Act of 2021 Section 2001(f) to the Agency of Education to be used for grants to afterschool and summer programs. At least \$2,000,000.00 of these grants shall be made with consultation from and approval of the Child Development Division in the Department for Children and Families. These funds shall be used to fulfill requirements specified in the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(2) and (3).

(b) Summer Meals: In fiscal year 2021 and to be carried forward, the sum of \$5,500,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Education to ensure that children and families have access to nutritious foods throughout the summer. This appropriation may be adjusted if the Commissioner of Finance and Management determines that FEMA funds will be awarded for this purpose.

Sec. 17. PRACTICAL NURSE; WORKFORCE FUNDING

(a) Due to the increasing challenge of the pandemic on the health professions, the sum of \$1,400,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Vermont State Colleges to open 40 to 45 seats in the Practical Nurse Program in partnership with skilled nursing facilities across the State to upskill existing staff to achieve certification as a practical nurse. These funds shall be used as follows:

(1) Up to \$500,000.00 for administrative and start-up costs for Vermont Technical College.

(2) Up to \$260,000.00 in incentive payments in the amount of \$6,000.00 per student to offset lost income during enrollment in the Program.

(3) All remaining funds shall be allocated for tuition and fees payments for required prerequisite courses at Community College of Vermont and for the Practical Nurse Program at Vermont Technical College after available federal and State financial aid is applied to ensure no cost to the student.

(b) To be eligible to participate in the program, a skilled nursing facility shall provide an incentive match in the amount of \$4,000.00 per student during enrollment in the Program.

Sec. 18. WORKFORCE UPSKILL OPPORTUNITY

(a) For Vermonters whose employability or employer has been impacted by the Coronavirus since March of 2020, the sum of \$3,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Vermont State Colleges to provide up to two free classes in the summer or fall of 2021 and spring 2022 at any of the Vermont State Colleges for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

(b) The sum of \$1,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the University of Vermont to provide up to two free classes in summer or fall of 2021 and spring 2022 for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

Sec. 19. RECENT HIGH SCHOOL GRADUATES; ADVANCEMENT OPPORTUNITY

Due to the economic impact of the pandemic on the families of recent high school graduates, the sum of \$2,800,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Vermont Student Assistance Corporation (VSAC) to provide up to two free classes in the summer or fall of 2021 and spring of 2022 at any of the Vermont State Colleges for any Vermont 2020 or 2021 high school graduate to enhance the graduate's work or academic skills. VSAC may provide a stipend of \$200.00 per student per class for transportation, books, or other class or attendance-related costs, and may allocate up to \$100,000.00 for the cost of administering this program.

Sec. 20. [Deleted.]

* * * Public Service; Broadband * * *

Sec. 21. BROADBAND ALLOCATIONS AND APPROPRIATIONS

(a) Coronavirus Relief Fund Authorization and Allocation: Notwithstanding any other provision of law to the contrary, the Department of Public Service is authorized to use \$3,200,000.00 of the unobligated balance

remaining from the CRF monies appropriated to the Department for broadband programs in 2020 Acts and Resolves No. 137 as follows:

(1) \$1,600,000.00 shall be allocated for additional assistance under the COVID-Response Line Extension Customer Assistance Program established in 2020 Acts and Resolves No. 137, Sec. 13. The customer costs eligible for financial assistance under this Program shall include costs for associated equipment such as routers and modems; and

(2) \$1,600,000.00 shall be allocated to extend the COVID-Response Temporary Broadband Lifeline Program established in 2020 Acts and Resolves No. 137, Sec. 13(d) for the covered period beginning on March 1, 2021 and extending until such funds are depleted. The subsidy under this Program may be used for the provision of broadband service and connected devices.

(b) The sum of \$1,800,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Public Service as follows:

(1) \$1,600,000.00 for a broadband infrastructure program to assist Communications Union Districts (CUD) with preconstruction costs and general support services. Applicants may be:

(A) an individual CUD;

(B) a group of CUDs working together on a single project; or

(C) an external partner working with a single CUD or group of CUDs.

(2) \$200,000.00 to fund the following:

(A) contract services to provide outreach, technical assistance, and other support services to CUDs;

(B) restoration of the Vermont Relay Conference Captioning (RCC) service for remote conference calling service for the deaf or hard of hearing; and

(C) Wi-Fi hotspot license renewals.

* * * Natural Resources and Agriculture * * *

Sec. 22. NATURAL RESOURCES AND AGRICULTURE

(a) In fiscal year 2021, funds are appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund as follows:

(1) \$3,000,000.00 to the Agency of Agriculture, Food and Markets for the Working Lands Program. Of these funds, \$500,000.00 is allocated for

grants related to slaughter, meat processing and meat processing training proposals.

(2) \$5,000,000.00 to the Agency of Natural Resources' Central Office for investments to improve recreational infrastructure and access on State lands and to fund repairs and improvements to Vermont's trail network on both private and public land.

(b) In fiscal year 2021, funds are appropriated from the General Fund as follows:

(1) \$14,000,000.00 to the Department of Environmental Conservation for brownfield remediation and environmental clean-up and related administrative costs. Including two classified limited service positions to be established in the Department of Environmental Conservation - one (1) environmental analyst and one (1) grant management specialist.

(2) \$5,000,000.00 to the Department of Forests, Parks and Recreation for the Vermont Outdoor Recreation Economic Collaborative (VOREC).

(3) \$250,000.00 to the Agency of Agriculture for continuation of work in soil conservation practice and payment for ecosystem services including the costs of the task force established by 2019 Acts and Resolves No. 83.

* * * Annual Link to Federal Statutes * * *

Sec. 23. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect on December 31, ~~2019~~ 2020, but without regard to federal income tax rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the tax liability under this chapter, and shall continue in effect as adopted until amended, repealed, or replaced by act of the General Assembly.

Sec. 23a. 32 V.S.A. § 7402(8) is amended to read:

(8) "Laws of the United States" means the U.S. Internal Revenue Code of 1986, as amended through December 31, ~~2019~~ 2020, which shall continue in effect as adopted until amended, repealed, or replaced by act of the General Assembly. As used in this chapter, "Internal Revenue Code" has the same meaning as "laws of the United States" as defined in this subdivision.

Sec. 23b. ARPA EXCLUSION OF UNEMPLOYMENT COMPENSATION FROM GROSS INCOME; TAX YEAR 2020

(a) For taxable year 2020 only, 32 V.S.A. § 5824, adoption of federal income tax laws, shall also adopt 26 U.S.C. § 85(c) as amended by Section

9042 of the American Rescue Plan Act, Pub. L. No. 117-2, pursuant to which the first \$10,200.00 of unemployment compensation received is excluded from the gross income of a taxpayer whose taxable year 2020 adjusted gross income is less than \$150,000.00.

(b) For taxable year 2020 only, notwithstanding 26 U.S.C. § 85(c) as amended by Section 9042 of the American Rescue Plan Act, Pub. L. No. 117-2, the definition of household income pursuant to 32 V.S.A. § 6061(4)(A) and (5) shall include all unemployment compensation received by a taxpayer in taxable year 2020.

Sec. 23c. EXCLUSION OF FORGIVEN PAYCHECK PROTECTION PROGRAM LOANS FROM GROSS INCOME

Notwithstanding 32 V.S.A. § 5824 and any other provision of law to the contrary, the exclusion of income associated with the forgiveness of a covered Paycheck Protection Program loan from gross income pursuant to the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, § 1106(i), as amended, and the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, § 276 shall not be allowed in computing taxable income under 32 V.S.A. chapter 151. As used in this section, “covered loan” has the same meaning as in the CARES Act, § 1106(a), as amended. Nothing in this section shall affect the deduction of expenses to the extent that payment of the expenses results in forgiveness of a covered loan pursuant to the CARES Act, Pub. L. No. 116-136, § 1106, as amended, and the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, § 276.

Sec. 24. FISCAL YEAR 2021 CONTINGENT USE OF RESERVE

(a) In fiscal year 2021, if the General Fund is found to have an undesignated fund deficit, the Commissioner of Finance and Management is authorized to transfer not more than \$12,600,000.00 from the Human Services Caseload Reserve established in 32 V.S.A. § 308b to offset the undesignated fund deficit prior to making a transfer in accordance with 32 V.S.A. § 308(c).

(b) If a transfer from the Human Services Caseload Reserve is made pursuant to subsection (a) of this section, then the Commissioner of Finance and Management shall recommend to the House and Senate Committees on Appropriations that the same amount be transferred from the General Fund to the Human Services Caseload Reserve Fund in the fiscal year 2022 budget adjustment process.

* * * Technical Assistance * * *

Sec. 25. [Deleted]

Sec. 26. PROVISION OF TECHNICAL ASSISTANCE SERVICES TO LOCAL GOVERNMENTS

(a) The sum of \$950,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Commerce and Community Development to be granted as follows:

(1) \$650,000.00 to establish a support program through State fiscal year 2024 for the use of federal funds received under 42 U.S.C. 801 § 603, the Coronavirus Local Fiscal Recovery Fund. These resources shall be used to work with local governments to facilitate the local communities' efforts to:

(A) respond to the public health emergency with respect to COVID-19 and its negative economic impacts;

(B) assist with fund reporting, accountability, transparency, and usage technical assistance where necessary;

(C) provide for other guidance to ensure that funds received pursuant to 42 U.S.C. 801 § 603 funds are used in accordance with federal law and regulations; and

(D) provide guidance; model templates and policies; and training on ARP compliant finance and program management.

(2) \$300,000.00 to one or more regional planning commissions, to be used through State fiscal year 2024, to establish and implement a capacity to assist local communities with specific project management needs in expending federal funds received under 42 U.S.C. 801 § 603. The regional planning commissions shall use these resources to work with local governments to facilitate the local communities' efforts to:

(A) identify needs and top priorities for designing and building projects that are consistent with State and federal law; implement existing State, regional and local plans; and do not duplicate investments made by other federal recovery funds;

(B) respond to inquiries on eligibility and to facilitate local discussions among stakeholders on specific projects; and

(C) provide other assistance as needed from local communities in coordination with the grantee chosen in subsection (a) of this section.

* * * Other Miscellaneous Amendments * * *

Sec. 27. VERMONT CENTER FOR CRIME VICTIM SERVICES

The sum of \$27,500.00 is appropriated from the General Fund in fiscal year 2021 to the Vermont Center for Crime Victim Services for a grant to the

Burlington Community Justice Center for the St. Joseph’s Orphanage Restorative Inquiry.

Sec. 28. AUDIT OF SHERIFFS’ USE OF STATE PAID DEPUTIES

The sum of \$25,000.00 is appropriated from the General Fund in fiscal year 2021 to the Vermont State Auditor to contract for up to five audits or reviews of the use of State paid deputies by county sheriffs during the state of emergency in calendar year 2020.

Sec. 29. HEALTHCARE WAIVERS: LEGISLATIVE CAPACITY

The Joint Fiscal Office is authorized to use available legislative appropriations including carryforward funds to engage a consultant to assist the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare to consider the policy and fiscal implications and opportunities related to renegotiation of the State’s Global Commitment to Health Medicaid Section 1115 demonstration and continuation of the All Payer ACO Model agreement with the Centers for Medicare and Medicaid Services.

Sec. 30. 2020 Acts and Resolves No. 154, Sec. B.1123.1 is amended to read:

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(e)~~ 308c up to \$5,000,000 of any remaining unreserved and undesignated end of fiscal year 2021 General Fund surplus shall be allocated as follows:

* * *

Sec. 31. 2020 Acts and Resolves No. 154, Sec. B.330 as amended by 2021 Acts and Resolves No. 3 (Budget Adjustment Act) Sec. 25 is further amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

| | | |
|------------------------|-------------------|-------------------|
| Grants | <u>19,375,620</u> | <u>19,375,620</u> |
| Total | 19,375,620 | 19,375,620 |
| Source of funds | | |
| General fund | 7,454,782 | 7,454,782 |
| Federal funds | <u>7,748,373</u> | 7,148,466 |
| Global Commitment fund | <u>4,172,465</u> | <u>4,772,372</u> |
| Total | 19,375,620 | 19,375,620 |

Sec. 32. 2020 Acts and Resolves No. 154, Sec. B.338 as amended by 2021 Acts and Resolves No. 3, Sec. 28 is further amended to read:

Sec. B.338 Corrections - correctional services

| | | |
|---------------------------------|------------------------|------------------|
| Personal services | 115,752,606 | 115,752,606 |
| Operating expenses | 23,059,297 | 23,059,297 |
| Grants | <u>8,808,427</u> | <u>8,808,427</u> |
| Total | 147,620,330 | 147,620,330 |
| Source of funds | | |
| General fund | 135,553,733 | 128,553,733 |
| Special funds | 935,963 | 935,963 |
| Federal Coronavirus Relief Fund | 4,950,000 | 11,950,000 |
| Federal funds | 473,523 | 473,523 |
| Global Commitment fund | 5,310,796 | 5,310,796 |
| Interdepartmental transfers | <u>396,315</u> | <u>396,315</u> |
| Total | 147,620,330 | 147,620,330 |

Sec. 32a. 2020 Acts and Resolves No. 154, Sec. B.346, as amended by 2021 Acts and Resolves No. 3, Sec. 30, is further amended to read:

Sec. B.346 Total human services

| | | |
|----------------------------------|--------------------------|---------------|
| Source of funds | | |
| General fund | 977,495,760 | 970,495,760 |
| Special funds | 116,403,523 | 116,403,523 |
| Tobacco fund | 25,088,208 | 25,088,208 |
| State health care resources fund | 17,078,501 | 17,078,501 |
| Federal Coronavirus Relief Fund | 17,774,276 | 24,774,276 |
| Federal funds | 1,471,852,944 | 1,471,253,037 |
| Global Commitment fund | 1,592,184,231 | 1,592,784,138 |
| Internal service funds | 1,930,685 | 1,930,685 |
| Interdepartmental transfers | 46,869,842 | 46,869,842 |
| Permanent trust funds | <u>25,000</u> | <u>25,000</u> |
| Total | 4,266,702,970 | 4,266,702,970 |

* * * Effective Dates * * *

Sec. 33. EFFECTIVE DATES

This act shall take effect on passage, except that, notwithstanding 1 V.S.A. § 214:

(1) Sec. 5 (mortgage assistance foreclosure prevention) shall take effect retroactively on January 1, 2021;

(2) Secs. 23–23b (annual link to federal statutes) shall take effect retroactively on January 1, 2021 and shall apply to taxable years beginning on and after January 1, 2020; and

(3) Sec. 23c (forgiven Paycheck Protection Program loan exclusion) shall take effect retroactively on January 1, 2021 and shall apply to taxable years beginning on and after January 1, 2021.

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

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

Adjournment

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

FRIDAY, APRIL 9, 2021

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. 48

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

Madam President:

I am directed to inform the Senate that:

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

H. 157. An act relating to registration of construction contractors.

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

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

S. 18. An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes.

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

Message from the House No. 49

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

Madam President:

I am directed to inform the Senate that:

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

H.C.R. 35. House concurrent resolution honoring Fagan Hart for her admirable leadership of the Vermont Children's Trust Foundation.

H.C.R. 36. House concurrent resolution honoring Ludy Biddle for her outstanding leadership at NeighborWorks of Western Vermont.

H.C.R. 37. House concurrent resolution honoring Westfield Selectboard Chair extraordinaire Yves Daigle.

H.C.R. 38. House concurrent resolution honoring the musical achievements of Vermont Symphony Orchestra Music Director Jaime Laredo.

H.C.R. 39. House concurrent resolution congratulating the 2021 Essex High School Hornets Vermont-NEA Scholars' Bowl State championship team.

H.C.R. 40. House concurrent resolution congratulating Fatima Khan on earning a finalist ranking in U.S. Senator Bernie Sanders's 2021 State of the Union Essay Contest.

H.C.R. 41. House concurrent resolution honoring former Brattleboro Fire Chief Michael Bucossi for his outstanding leadership and community service.

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

The Governor has informed the House that on April 9, 2021, he did not approve and allowed to become law without his signature a bill originating in the House of the following title:

H. 81. An act relating to statewide public school employee health benefits.

Text of Communication from Governor

The text of the communication to the House from His Excellency, the Governor, setting forth his reasons for refusing to sign and *allowing to become law without his signature*, **Bill No. H. 81**, is as follows:

“April 8, 2021

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

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, H.81, *An act relating to statewide public school employee health benefits*, will become law without my signature for the reasons stated herein.

In late June 2018, as the Administration debated the state budget with the Legislature, which ultimately became Act 11 of 2018 (Special Session), the Senate Education Committee added language creating a statewide school employee health care bargaining structure without testimony from my Administration. The Legislature nevertheless included it in the budget, which went into law without my signature. It has since resulted in school employee health care plans that are outpacing premium growth of health care exchange plans and significantly outpacing grand list growth, which is the primary revenue source for school district budgets.

I agree that changes to the bargaining structure established in Act 11 should be made, specifically when it comes to impasse proceedings and establishing reasonable cost containment principles. This was made clear in the first negotiation held by the Act 11 Commission on Public School Employee Benefits (“Commission”), which was not a transparent process. It ended, predictably, in an impasse between both parties that was settled by a single arbitrator from outside Vermont who is entirely unaccountable to Vermont taxpayers.

The arbitrator’s award, which was not explained to the people of Vermont or elected officials, has had a major impact on school district budgets, and therefore on property tax bills. It has been estimated the initial contract added \$25 to \$30 million in costs onto already overburdened taxpayers. Make no mistake, this bargaining construct, the rules governing it, and the costly and unsustainable outcomes it has produced are a product of how the Legislature ultimately chose to move forward on this issue in 2018.

H.81 does make some very small, positive changes, including the requirement for the parties to include a cost estimate with their proposals and a requirement for the arbitrator to fully explain the basis for the final award. There are also technical changes I support, including clarification of employee definition, more flexibility for removal of Commissioners by the appointing authority, and timelines for getting data to the Commission.

Unfortunately, H.81 does not adequately address cost containment. To the contrary, it puts taxpayers on the hook for still higher costs by removing uniform cost-sharing arrangements for premiums and out-of-pocket costs. The Commission now has the opportunity to begin negotiating a sliding health care contribution. Given the potential benefit to lower paid unlicensed employees, I am not opposed to this concept. However, I'm concerned that if higher paid teachers and administrators – who on their own earn 50 percent more than the average Vermont household - do not offset the cost through higher health benefit contributions, then taxpayers are, yet again, left making up the added cost.

It is important to know that the Legislature's Joint Fiscal Office (JFO) testified that employees who do not pay much for health care are likely to use more of it, driving up premiums for all participants. The JFO noted the public school employee plans are more generous than most and premium increases have surpassed increases in the cost of care and enrollment. The JFO warned legislative committee members that to add this flexibility in bargaining could increase the incentive to use more services because the user pays so little.

The JFO also estimated school employee health care premium costs of about \$311 million in Fiscal Year 2024. This means any 1 percentage point shift in the premium share of all participating employees represents \$3.1 million. If the premium share for all participating employees shifted down 1 percentage point, employees would pay \$3.1 million less and employers (the taxpayers) would pay \$3.1 million more. If only non-licensed employees negotiated a 1 percentage point change in the premium share, the shift would be about \$1 million.

As these costs go up in school budgets, it can lead to less money available for student programming and other student enrichment activities. I continue to be concerned that more and more funding is being diverted away from students and into operational overhead – even as the number of students in our schools has declined. This deepens the educational inequality that exists from district to district, because many districts cannot absorb the cost without cuts to educational options for our children. If we want to give every student access to the best education in America and make Vermont a more affordable and prosperous place to live and work, we have to break this cycle.

To avoid this additional tax burden on Vermonters and reverse the growing inequality in our schools, I call on the General Assembly to make the following additional changes to H.81 before it adjourns for this session of the biennium:

- Include a provision that would limit the employer's total health care benefit contributions to 80%. The employees themselves would

determine the cost share among those higher paid licensed teachers and administrators and lower paid unlicensed school employees. In this way, the system becomes more progressive as higher paid employees alleviate the burden of costly health care plans on their lower paid unlicensed colleagues. The cost would not shift to taxpayers who cannot afford higher property taxes to pay for even more generous health care plans for public school employees at the expense of options for their children.

- Make the effective date for all sections of the bill a uniform date to improve bargaining procedures in 2021.
- Considering the fiscal note presented by the JFO showed clear financial consequences to taxpayers, I ask for these fiscal impacts to be reviewed by the House Ways & Means and Senate Finance Committees and additional modeling on future impacts to taxpayers be presented to the public.

This is the single biggest self-insured group in the state of Vermont, and it is publicly funded. This is very important work. As Vermonters continue to recover from an unprecedented pandemic, we must be very sensitive to – and transparent about - laws that are likely to lead to increased taxes and fees, such as this one.

Sincerely,

/s/Philip B. Scott

Philip B. Scott
Governor

PBS/kp”

Message from the Governor Appointments Referred

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

The nomination of

Coen, David of Shelburne - Chair, Transportation Board - from February 24, 2021 to February 28, 2024.

To the Committee on Transportation.

The nomination of

Bailey, Richard of Hyde Park - Member, Transportation Board - from February 24, 2021 to February 28, 2024.

To the Committee on Transportation.

The nomination of

Hayward, Timothy of Middlesex - Member, Transportation Board - from February 24, 2021 to February 28, 2023.

To the Committee on Transportation.

The nomination of

Ainsworth, Mary Jane of Barre - Director, Parole Board - from February 24, 2021 to February 29, 2024.

To the Committee on Institutions.

The nomination of

Boucher, Patricia of Enosburg Falls - Member, Parole Board - from February 24, 2021 to February 29, 2024.

To the Committee on Institutions.

The nomination of

Stephens, Mary L. of Goshen - Member, Parole Board - from February 24, 2021 to February 29, 2024.

To the Committee on Institutions.

The nomination of

Collier, Anthony of Colchester - Member, Vermont Economic Development Authority - from February 24, 2021 to June 30, 2026.

To the Committee on Finance.

The nomination of

Tuttle, Mike of South Burlington - Member, Vermont Economic Development Authority - from February 24, 2021 to June 30, 2026.

To the Committee on Finance.

The nomination of

Voigt, Steven of Norwich - Member, Vermont Economic Development Authority - from February 24, 2021 to June 30, 2026.

To the Committee on Finance.

The nomination of

Davis, Clarence of Shelburne - Member, Vermont Housing and Conservation Board - from March 15, 2021 to January 31, 2023.

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

The nomination of

Keane, Michael of North Bennington - Member, Vermont Economic Progress Council - from April 1, 2021 to March 31, 2025.

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

The nomination of

Smith, Rachel of St. Albans - Member, Vermont Economic Progress Council - from April 1, 2021 to March 31, 2025.

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

The nomination of

Nicholson, Mark of Barre - Member, Vermont Economic Progress Council - from April 1, 2021 to March 31, 2025.

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

The nomination of

Tester, Shawn of St. Johnsbury - Member, Vermont State Colleges Board of Trustees - from March 15, 2021 to March 1, 2025.

To the Committee on Education.

The nomination of

McKenzie, Mary Alice of Colchester - Director, Vermont Municipal Bond Bank - from February 24, 2021 to January 31, 2023.

To the Committee on Finance.

The nomination of

Coates, David of Colchester - Member, Vermont Municipal Bond Bank - from February 24, 2021 to January 31, 2023.

To the Committee on Finance.

The nomination of

Avila, Maria Mercedes of Burlington - Member, Children and Family Council for Prevention Programs - from March 1, 2021 to February 28, 2024.

To the Committee on Health and Welfare.

The nomination of

Berry, Stuart of Belmont - Member, Children and Family Council for Prevention Programs - from March 1, 2021 to February 28, 2024.

To the Committee on Health and Welfare.

The nomination of

Davenport, Amy of Montpelier - Member, Children and Family Council for Prevention Programs - from March 1, 2021 to February 28, 2024.

To the Committee on Health and Welfare.

The nomination of

Dorfman, Dorinne of Waterbury Center - Member, Children and Family Council for Prevention Programs - from March 1, 2021 to February 28, 2024.

To the Committee on Health and Welfare.

The nomination of

Hutchins, Donn of Dorset - Member, Children and Family Council for Prevention Programs - from March 1, 2021 to February 28, 2024.

To the Committee on Health and Welfare.

The nomination of

O'Day, Katherine of White River Jct. - Member, Children and Family Council for Prevention Programs - from March 1, 2021 to February 28, 2024.

To the Committee on Health and Welfare.

The nomination of

Lovejoy, Brittany of Enosburg Falls - Member, Children and Family Council for Prevention Programs - from March 1, 2021 to February 28, 2024.

To the Committee on Health and Welfare.

The nomination of

Pinkham, Kreig of Northfield - Member, Children and Family Council for Prevention Programs - from March 1, 2021 to February 28, 2024.

To the Committee on Health and Welfare.

The nomination of

Sparks, Henri of Colchester - Member, Children and Family Council for Prevention Programs - from March 1, 2021 to February 28, 2024.

To the Committee on Health and Welfare.

The nomination of

Vastine, Karen of Burlington - Member, Children and Family Council for Prevention Programs - from March 1, 2021 to February 28, 2024.

To the Committee on Health and Welfare.

The nomination of

Harris, Kyle of Montpelier - Member, Cannabis Control Board - from April 2, 2021 to February 28, 2022.

To the Committee on Government Operations.

The nomination of

Hulburd, Julie of Colchester - Member, Cannabis Control Board - from April 2, 2021 to February 28, 2023.

To the Committee on Government Operations.

The nomination of

Pepper, James of Montpelier - Chair, Cannabis Control Board - from April 2, 2021 to February 29, 2024.

To the Committee on Government Operations.

Bills Referred

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

H. 227. An act relating to approval of amendments to the charter of the City of Winooski.

To the Committee on Government Operations.

H. 437. An act relating to changes that affect the revenue of the State.

To the Committee on Finance.

Bill Referred to Committee on Rules

S. 99.

Senate bill of the following title, appearing on the Calendar for notice, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to repealing the statute of limitations for civil actions based on childhood physical abuse.

Senate Resolution Placed on Calendar**S.R. 9.**

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

By the Committee on Rules,

S.R. 9. Senate resolution relating to extending concurrently conducted electronic sessions and committee meetings.

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

Whereas, the Governor of the State of Vermont issued a Declaration of State of Emergency in Response to COVID-19;

Whereas, Permanent Senate Rule 9A permits the Rules Committee to authorize sessions of the Senate during a declared emergency be concurrently conducted electronically; and

Whereas, Permanent Senate Rule 32A permits the Rules Committee to authorize committee meetings during a declared emergency be concurrently conducted electronically; and

Whereas, Governor Phillip B. Scott declared state of emergency currently expires at midnight on April 15, 2021;

Whereas, it may be necessary for sessions of the Senate and committees of the Senate to continue with concurrently conducted electronic sessions and committee meetings subsequent to the expiration of the Governor's declared emergency; *now therefore be it*

Resolved by the Senate:

Notwithstanding the language in Permanent Senate Rules 9A and 32A regarding their applicability during Declarations of Emergency, the provisions of Permanent Senate Rules 9A and 32A regarding Senate sessions and committee meetings shall remain in effect until the later of: (1) the termination of the Governor's Declaration of State of Emergency in Response to COVID-19 or January 7, 2022.

Thereupon, under Rule 34, the resolution was placed on the Calendar for notice.

Bill Referred

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

H. 157.

An act relating to registration of construction contractors.

To the Committee on Rules.

Appointment of Senate Members to Joint Legislative Child Protection Oversight Committee

Pursuant to the provisions of Sec. 23 (b)(2) of No. 60 of the Acts of 2015, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Legislative Child Protection Oversight Committee for the current biennium:

Senator Lyons
Senator Sears
Senator Westman

Appointment of Senate Members to the Vermont Citizens Advisory Committee on Lake Champlain's Future

Pursuant to the provisions of 10 V.S.A. §1960, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Committee on Lake Champlain's Future for the current biennium:

Senator Bray
Senator Brock

Appointment of Senate Members to the Joint Information Technology Oversight Committee

Pursuant to the provisions of 2 V.S.A. § 614(b)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Information Technology Oversight Committee during this biennium:

Senator Brock
Senator Pearson
Senator Chittenden

Appointment of Senate Members to Health Reform Oversight Committee

Pursuant to the provisions of 2 V.S.A. § 691(2)(4)(6)(8), the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Health Reform Oversight Committee:

Senator Kitchel
Senator Cummings
Senator Lyons
Senator Westman

Appointment of Senate Members to the Joint Legislative Justice Oversight Committee

Pursuant to the provisions of 2 V.S.A. § 801(b), the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Legislative Justice Oversight Committee for terms of two years:

Senator Sears
Senator Baruth
Senator Lyons
Senator Parent
Senator Hooker

Standing Committee Realigned

The President, on behalf of the Committee on Committees, reported a new appointment to a standing committee, resulting in a realignment of the committee, as follows:

Sexual Harassment Panel

At Call

Senator Hardy, Chair
Benning, Vice-Chair
[Clarkson]
Lyons
Perchlik
Parent
Ram

Proposed Amendment to the Constitution Concurred In

Proposed Amendment to the Constitution designated as Proposal 2 having appeared on the Calendar for seven legislative days pursuant to Rule 83,

Was taken up.

Thereupon, Proposal 2 was read the third time and is as follows:

PROPOSAL 2

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to clarify that slavery and indentured servitude in any form are prohibited.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [All persons born free; their natural rights; slavery and indentured servitude prohibited]

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; ~~therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after arriving to the age of twenty one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like slavery and indentured servitude in any form are prohibited.~~

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

Thereupon, the pending question, Shall the Senate concur in the adoption by the preceding General Assembly of Proposal 2 for the amendment of the Constitution of the State of Vermont, and request the concurrence of the House? was decided in the affirmative on roll call pursuant to Rule 83, Yeas 29, Nays 1 (the necessary majority vote having been attained).

Roll Call

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

The Senator who voted in the negative was: McCormack.

Proposed Amendment to the Constitution Concurred In

Proposed Amendment to the Constitution designated as Proposal 5 having appeared on the Calendar for seven legislative days pursuant to Rule 83,

Was taken up.

Thereupon, Proposal 5 was read the third time and is as follows:

PROPOSAL 5

Sec. 1. PURPOSE

(a) This proposal would amend the Constitution of the State of Vermont to ensure that every Vermonter is afforded personal reproductive liberty. The Constitution is our founding legal document stating the overarching values of

our society. This amendment is in keeping with the values espoused by the current Vermont Constitution. Chapter I, Article 1 declares “That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights.” Chapter I, Article 7 states “That government is, or ought to be, instituted for the common benefit, protection, and security of the people.” The core value reflected in Article 7 is that all people should be afforded all the benefits and protections bestowed by the government, and that the government should not confer special advantages upon the privileged. This amendment would reassert the principles of equality and personal liberty reflected in Articles 1 and 7 and ensure that government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This proposed constitutional amendment is not intended to limit the scope of rights and protections afforded by Article 7 or any other provision in the Vermont Constitution.

(b) The right to reproductive liberty is central to the exercise of personal autonomy and involves decisions people should be able to make free from compulsion of the State. Enshrining this right in the Constitution is critical to ensuring equal protection and treatment under the law and upholding the right of all people to health, dignity, independence, and freedom.

Sec. 2. Article 22 of Chapter I of the Vermont Constitution is added to read:

Article 22. [Personal reproductive liberty]

That an individual’s right to personal reproductive autonomy is central to the liberty and dignity to determine one’s own life course and shall not be denied or infringed unless justified by a compelling State interest achieved by the least restrictive means.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

Thereupon, the pending question, Shall the Senate concur in the adoption by the preceding General Assembly of Proposal 5 for the amendment of the Constitution of the State of Vermont, and request the concurrence of the House? was decided in the affirmative on roll call pursuant to Rule 83, Yeas 26, Nays 4 (the necessary majority vote having been attained).

Roll Call

Those Senators who voted in the affirmative were: Balint, Baruth, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Cummings, Hardy,

Hooker, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Parent, Pearson, Perchlik, Pollina, Ram, Sears, Sirotkin, Westman, White.

Those Senators who voted in the negative were: Collamore, Ingalls, Starr, Terenzini.

House Concurrent Resolutions

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

By Rep. Brumsted,

H.C.R. 35.

House concurrent resolution honoring Fagan Hart for her admirable leadership of the Vermont Children's Trust Foundation.

By Reps. Shaw and others,

By Senators Collamore, Hooker and Terenzini,

H.C.R. 36.

House concurrent resolution honoring Ludy Biddle for her outstanding leadership at NeighborWorks of Western Vermont.

By Reps. Higley and Smith,

H.C.R. 37.

House concurrent resolution honoring Westfield Selectboard Chair extraordinaire Yves Daigle.

By Rep. Coffey,

H.C.R. 38.

House concurrent resolution honoring the musical achievements of Vermont Symphony Orchestra Music Director Jaime Laredo.

By Reps. Dolan and others,

By Senators Ingalls and Starr,

H.C.R. 39.

House concurrent resolution congratulating the 2021 Essex High School Hornets Vermont-NEA Scholars' Bowl State championship team.

By Reps. Black and others,

H.C.R. 40.

House concurrent resolution congratulating Fatima Khan on earning a finalist ranking in U.S. Senator Bernie Sanders's 2021 State of the Union Essay Contest.

By Reps. Burke and others,

By Senators Balint and White,

H.C.R. 41.

House concurrent resolution honoring former Brattleboro Fire Chief Michael Bucossi for his outstanding leadership and community service.

Adjournment

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, April 13, 2021, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 22.

TUESDAY, APRIL 13, 2021

The Senate was called to order by the President.

Devotional Exercises

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

Pledge of Allegiance

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

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 23.

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

By Senator Balint,

J.R.S. 23. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 16, 2021, it be to meet again no later than Tuesday, April 20, 2021.

Third Reading Ordered

S. 135.

Senate committee bill entitled:

An act relating to separating the individual and small group health insurance markets for plan year 2022.

Having appeared on the Calendar for notice for one day, was taken up.

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

Third Reading Ordered

H. 151.

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

An act relating to vital records, mausoleums and columbaria, and emergency health orders.

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.

Message from the House No. 50

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

Madam President:

I am directed to inform the Senate that:

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

H. 225. An act relating to possession of a therapeutic dosage of buprenorphine.

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

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 14, 2021.

WEDNESDAY, APRIL 14, 2021

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bills Referred to Committee on Finance

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee Finance:

H. 135. An act relating to the State Ethics Commission.

H. 337. An act relating to the printing and distribution of State publications.

Bill Referred

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

H. 225.

An act relating to possession of a therapeutic dosage of buprenorphine.

To the Committee on Rules.

Message from the Governor**Appointment Referred**

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

The nomination of

Snelling, Diane of Hinesburg - Chair of the Natural Resources Board - from April 9, 2021 to February 28, 2023.

To the Committee on Natural Resources and Energy.

House Proposal of Amendment Concurred In**S. 18.**

House proposal of amendment to Senate bill entitled:

An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes.

Was taken up.

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

Sec. 1. 13 V.S.A. § 5321 is amended to read:

§ 5321. APPEARANCE BY VICTIM

* * *

(d) At or before the sentencing hearing, the prosecutor's office shall instruct the victim of a listed crime, in all cases where the court imposes a sentence that includes a period of incarceration, that a sentence of incarceration is to the custody of the Commissioner of Corrections and that the Commissioner of Corrections has the authority to affect the actual time the defendant shall serve in incarceration through ~~good~~ earned time credit, furlough, work-release, and other early release programs. In addition, the prosecutor's office shall explain the significance of a minimum and maximum sentence to the victim ~~and shall also~~, explain the function of parole and how it may affect the actual amount of time the defendant may be incarcerated, and inform the victim of the maximum amount of earned time that the defendant could accrue and that earned time only affects when a defendant is eligible for parole consideration but does not necessarily result in the defendant's release.

* * *

Sec. 2. 28 V.S.A. § 818 is amended to read:

§ 818. EARNED ~~GOOD~~ TIME; REDUCTION OF TERM

(a) On or before September 1, 2020, the Department of Corrections shall file a proposed rule pursuant to 3 V.S.A. chapter 25 implementing an earned ~~good~~ time program to become effective on January 1, 2021. The Commissioner shall adopt rules to carry out the provisions of this section as an emergency rule and concurrently propose them as a permanent rule. The emergency rule shall be deemed to meet the standard for the adoption of emergency rules pursuant to 3 V.S.A. § 844(a).

(b) The earned ~~good~~ time program implemented pursuant to this section shall comply with the following standards:

(1) The program shall be available for all sentenced offenders, including furloughed offenders, provided that the program shall not be available to offenders on probation or parole, to offenders eligible for a reduction of term pursuant to section 811 of this title, to offenders sentenced to serve an interrupted sentence, or to offenders sentenced to life without parole. Offenders currently serving a sentence shall be eligible to begin earning a reduction in term when the earned ~~good~~ time program becomes effective. Notwithstanding this subdivision (1), when an offender has been convicted of a disqualifying offense, the offender's ability to participate and earn time in the program shall be determined pursuant to subdivision (5) of this subsection.

(2) Offenders shall earn a reduction of seven days in the minimum and maximum sentence for each month during which the offender:

(A) is not adjudicated of a major disciplinary rule violation; and

(B) is not reincarcerated from the community for a violation of release conditions, provided that an offender who loses a residence for a reason other than fault on the part of the offender shall not be deemed reincarcerated under this subdivision.

(3) An offender who receives post-adjudication treatment in a residential setting for a substance use disorder shall earn a reduction of one day in the minimum and maximum sentence for each day that the offender receives the inpatient treatment. While a person is in residential substance abuse treatment, he or she shall not be eligible for ~~good~~ earned time except as provided in this subsection.

(4) The Department shall:

(A) ensure that all victims of record are notified of the earned ~~good~~ time program at its outset and made aware of the option to receive notifications from the Department pursuant to this subdivision;

(B) provide timely notice not less frequently than every 90 days to the offender any time the offender receives a reduction in his or her term of supervision pursuant to this section;

(C) maintain a system that documents and records all such reductions in each offender's permanent record; and

(D) record any reduction in an offender's term of supervision pursuant to this section on a monthly basis and ensure that victims who want information regarding changes in scheduled release dates have access to such information.

(5) Notwithstanding 1 V.S.A. § 214, an offender who was serving a sentence for a disqualifying offense on January 1, 2021 shall not earn any earned time sentence reductions under this section after the effective date of this act. This subdivision (5) shall not be construed to limit or affect earned time that an offender has earned on or before the effective date of this act.

(c) As used in this section:

(1) "Disqualifying offense" means:

(A) murder in violation of 13 V.S.A. § 2301;

(B) voluntary manslaughter in violation of 13 V.S.A. § 2304;

(C) kidnapping in violation of 13 V.S.A. § 2405;

(D) lewd and lascivious conduct with a child in violation of 13 V.S.A. § 2602, provided that the offense shall not be considered a disqualifying offense if the offender is under 18 years of age, the child is at least 12 years of age, and the conduct is consensual;

(E) sexual assault in violation of 13 V.S.A. § 3252(a) or (b);

(F) aggravated sexual assault in violation of 13 V.S.A. § 3253; or

(G) aggravated sexual assault of a child in violation of 13 V.S.A. § 3253a.

(2) “Interrupted sentence” means a sentence that is not served continuously, including a sentence to be served in intervals or a sentence to the work crew.

Sec. 3. 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.

Bill Amended; Bill Passed

S. 135.

Senate bill entitled:

An act relating to separating the individual and small group health insurance markets for plan year 2022.

Was taken up.

Thereupon, pending third reading of the bill, Senator Cummings moved to amend the bill in Sec. 1, subsection (c), subdivision (3), after the word “Board” by striking out the words “and forms with the Department of Financial Regulation”

Which was agreed to.

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

Bill Passed in Concurrence

H. 151.

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

An act relating to vital records, mausoleums and columbaria, and emergency health orders.

Third Reading Ordered**H. 154.**

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

An act relating to the failure of municipal officers to accept office.

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.

Senate Resolution Adopted**S.R. 9.**

Senate resolution entitled:

Senate resolution relating to extending concurrently conducted electronic sessions and committee meetings

Appearing on the Calendar for action, was taken up and adopted.

Message from the House No. 51

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

Madam 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. 23. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on April 13, 2021, he approved and signed bills originating in the House of the following titles:

H. 10. An act relating to permitted candidate expenditures.

H. 127. An act relating to approval of amendments to the charter of the Town of Barre.

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Thursday, April 15, 2021.

THURSDAY, APRIL 15, 2021

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bill Referred to Committee on Finance**H. 88.**

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

An act relating to certification of agricultural use for purposes of the use value appraisal program.

Joint Resolution Placed on Calendar**J.R.S. 24.**

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

By Senator Balint,

J.R.S. 24. Joint resolution relating to amending temporary Joint Rule 22A.

Temporary Joint Rule 22A is amended to read as follows:

Rule 22A Emergency Rule Regarding Joint Committee Meetings

(a) The Joint Rules Committee is vested with the authority to permit any joint committees of the Vermont Legislature (including itself and Conference Committees) to meet and vote electronically as the Joint Rules Committee determines appropriate. If necessary, the Joint Rules Committee may make this authorization remotely in conformity with this Rule.

(b) The authority of the Joint Rules Committee under this Rule 22A terminates upon the ~~expiration of the Executive's Declared Emergency~~ later of: (1) the termination of the Governor's Declaration of a State of Emergency in Response to COVID-19; or (2) January 7, 2022.

Thereupon, under Rule 34, the resolution was placed on the Calendar for notice.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 136.

By Senator Pearson,

An act relating to requiring safety training for State construction projects.

To the Committee on Institutions.

Bill Passed in Concurrence**H. 154.**

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

An act relating to the failure of municipal officers to accept office.

Committee Relieved of Further Consideration; Bill Committed

H. 152.

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

An act relating to education property tax,

and the bill was committed to the Committee on Finance.

Adjournment

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

FRIDAY, APRIL 16, 2021

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. 52

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

Madam President:

I am directed to inform the Senate that:

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

S. 60. An act relating to allowing municipal and cooperative utilities to offer innovative rates and services.

And has passed the same in concurrence.

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

H. 20. An act relating to pretrial risk assessments and pretrial services.

And has severally concurred therein.

Message from the House No. 53

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

Madam President:

I am directed to inform the Senate that:

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

S. 88. An act relating to insurance, banking, and securities.

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

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

Flynn, Joseph of South Hero - Secretary, Agency of Transportation - March 1, 2021 to February 28, 2023.

Minoli, Wanda L. of Montpelier - Commissioner, Department of Motor Vehicles - March 1, 2021 to February 28, 2023.

Fitch, Jennifer M. of Montpelier - Commissioner, Department of Buildings and General Services - March 1, 2021 to February 28, 2023.

Schirling, Michael of Burlington - Commissioner, Department Public Safety - March 1, 2021 to February 28, 2023.

Squirrel, Sarah of Waterbury Center - Commissioner, Department of Mental Health - March 1, 2021 to February 28, 2023.

Smith, Michael K. of Westford - Secretary, Agency of Human Services - March 1, 2021 to February 28, 2023.

Brown, Sean P. of Washington - Commissioner, Department of Children and Families - March 1, 2021 to February 28, 2023.

Young, Susanne R. of Northfield - Secretary, Agency of Administration - March 1, 2021 to February 28, 2023.

Fastiggi, Mary E. of Burlington - Commissioner, Department of Human Resources - March 1, 2021 to February 28, 2023.

Greshin, Adam of Warren - Commissioner, Department of Finance and Management - March 1, 2021 to February 28, 2023.

Pieciak, Michael of Winooski - Commissioner, Department of Financial Regulation - March 1, 2021 to February 28, 2023.

House Concurrent Resolutions

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

By Reps. Hango and others,

By Senators Bray, Brock, Hardy and Parent,

H.C.R. 42.

House concurrent resolution in memory of Lawrence B. Myott of Franklin, Vermont's "Mr. Maple" and former Vergennes City Councillor.

By Rep. Kitzmiller,

H.C.R. 43.

House concurrent resolution honoring former Montpelier Mayor John Hollar for his exemplary civic and community leadership.

By All Members of the House,

By All Members of the Senate,

H.C.R. 44.

House concurrent resolution congratulating the Vermont Student Assistance Corporation on the 30th anniversary of its TRIO Educational Opportunity Center of Vermont.

Message from the House No. 54

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

Madam President:

I am directed to inform the Senate that:

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

H.C.R. 42. House concurrent resolution in memory of Lawrence B. Myott of Franklin, Vermont's "Mr. Maple" and former Vergennes City Councillor.

H.C.R. 43. House concurrent resolution honoring former Montpelier Mayor John Hollar for his exemplary civic and community leadership.

H.C.R. 44. House concurrent resolution congratulating the Vermont Student Assistance Corporation on the 30th anniversary of its TRIO Educational Opportunity Center of Vermont.

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

Adjournment

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, April 20, 2021, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 23.

TUESDAY, APRIL 20, 2021

The Senate was called to order by the President.

Devotional Exercises

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

Pledge of Allegiance

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

Joint Senate Resolution Adopted on the Part of the Senate**J.R.S. 25.**

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

By Senator Balint,

J.R.S. 25. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 23, 2021, it be to meet again no later than Tuesday, April 27, 2021.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 137.

By Senator Baruth,

An act relating to gender balance on the University of Vermont and Vermont State Colleges Boards.

To the Committee on Education.

Third Readings Ordered**H. 195.**

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

An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children.

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.

H. 366.

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

An act relating to 2021 technical corrections.

Reported that the bill ought to pass in concurrence.

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

Bill Amended; Third Reading Ordered**S. 99.**

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

An act relating to repealing the statute of limitations for civil actions based on childhood physical abuse.

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

Sec. 1. 12 V.S.A. § 522 is amended to read:

§ 522. ACTIONS BASED ON CHILDHOOD SEXUAL OR PHYSICAL
ABUSE

(a) A civil action brought by any person for recovery of damages for injury suffered as a result of childhood sexual or physical abuse may be commenced at any time after the act alleged to have caused the injury or condition. The victim need not establish which act in a series of continuing physical abuse or sexual abuse or exploitation incidents caused the injury.

(b) If a complaint is filed alleging an act of childhood sexual or physical abuse, the complaint shall immediately be sealed by the clerk of the court. The complaint shall remain sealed until the answer is served or, if the defendant files a motion to dismiss under Rule 12(b) of the Vermont Rules of Civil Procedure, until the court rules on that motion. If the complaint is dismissed, the complaint and any related papers or pleadings shall remain sealed. Any hearing held in connection with the motion to dismiss shall be in camera.

(c) As used in this section,:

(1) “~~childhood~~ Childhood sexual abuse” means any act committed by the defendant against a complainant who was ~~less than~~ under 18 years of age at the time of the act and which act would have constituted a violation of a statute prohibiting lewd and lascivious conduct, lewd or lascivious conduct with a child, felony sexual exploitation of a minor in violation of 13 V.S.A. § 3258(c), sexual assault, or aggravated sexual assault in effect at the time the act was committed.

(2) “Childhood physical abuse” means any act other than an attempt committed by the defendant against a complainant who was under 18 years of age at the time of the act and which act would have constituted a violation of a statute prohibiting aggravated assault in effect at the time the act was committed.

(d) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to childhood sexual abuse that occurred prior to July 1, 2019, irrespective of any statute of limitations in effect at the time the abuse occurred. In an action based on childhood sexual abuse that would have been barred by any statute of limitations in effect on June 30, 2019, damages may be awarded against an entity that employed, supervised, or had responsibility for the person allegedly committing the sexual abuse only if there is a finding of gross negligence on the part of the entity.

(e) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to childhood physical abuse that occurred prior to July 1, 2021, irrespective of any statute of limitations in effect at the time the abuse occurred. In an action based on childhood physical abuse that would have been barred by any statute of limitations in effect on June 30, 2021, damages may be awarded against an entity that employed, supervised, or had responsibility for the person allegedly committing the physical abuse only if there is a finding of gross negligence on the part of the entity.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered on a roll call, Yeas 29, Nays 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

The Senator absent and not voting was: Parent.

Proposals of Amendment; Third Reading Ordered

H. 218.

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

An act relating to the sale of unpasteurized raw milk.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, 6 V.S.A. chapter 152, as follows:

First: In section 2776, subdivision (6), after the words “Required Agricultural Practices that” and before the words “grow, raise, or produce agricultural products” by inserting the words as part of the business of the farm stand or CSA organization

Second: In section 2778, subsection (b), subdivision (1), after the words “Persons selling or” and before the words “unpasteurized milk” by striking out the word “delivery” and inserting in lieu thereof the word delivering

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

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

Joint Resolution Adopted on the Part of the Senate

J.R.S. 24.

Joint Senate resolution entitled:

Joint resolution relating to amending temporary Joint Rule 22A.

Having been placed on the Calendar for action, was taken up and adopted on the part of the Senate.

Message from the House No. 55

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

Madam President:

I am directed to inform the Senate that:

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

H. 175. An act relating to the beverage container redemption system.

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

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

S. 53. An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax.

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

The Governor has informed the House that on April 17, 2021, he did not approve and allowed to become law without his signature a bill originating in the House of the following title:

H. 315. An act relating to COVID-19 relief.

Text of Communication from Governor

The text of the communication to the House from His Excellency, the Governor, setting forth his reasons for refusing to sign and *allowing to become law without his signature*, **House Bill No. H. 315**, is as follows:

“April 17, 2021

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

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, H.315, *An Act Relating to Covid-19 Relief*, will become law without my signature for the reasons stated herein.

H.315 started as a smart spending bill – about \$62 million in total – to fund urgent pandemic needs, including business recovery grants that were a top priority in the budget adjustment proposal I proposed in January. The need was there in January and is still urgent today.

Over the two months it took the Legislature to pass H.315, it evolved into something much larger and more complex.

To the Legislature’s credit, the bill includes some valuable relief for Vermonters, including:

- \$47 million for budget initiatives I put forward, including economic aid to businesses, housing to immediately address emergency needs, brownfield remediation and environmental clean-up and VOREC community grants.
- \$5 million for foreclosure prevention.
- \$7.64 million for mental health services, recovery centers, New Americans, refugees and immigrants, and grants to Reach-Up participants.
- Linking to federal income taxes for tax year 2020, which will exempt the first \$10,200 of unemployment insurance income, as well as Paycheck Protection Program forgiven loan funds.

For these reasons, I’m allowing H.315 to become law.

Unfortunately, I cannot sign this bill because it includes policy and spending choices that suggest we have very different opinions about how best to deploy the federal recovery and economic stimulus funding.

As a result, I want to be clear: I feel *very* strongly that we need to invest federal American Rescue Plan Act (ARPA) money in a truly strategic and fully transparent way, preferably in a single piece of legislation. These investments should be in tangible infrastructure that provide the greatest economic benefits and will truly transform our economy – especially in the parts of the state that need it most. I will not support a piecemeal or diluted approach to the investment of ARPA funds.

We must not squander this unprecedented opportunity to transform the economy of our state. If we work together, we can make historic investments in climate change mitigation, water and sewer infrastructure, universal broad band, housing and more. All these investments, if planned and supported wisely, will be something we can point to as the silver-lining of this pandemic. We must not forgo the opportunity to maximize the benefit of this federal money simply because the federal timing did not align with the traditional legislative calendar or process. That would be profoundly shortsighted.

Similarly, I also feel strongly that the Legislature should reverse its decision to insert, at the last minute, a new and punitive tax liability on federal PPP loans. These forgivable loans were issued to help employers survive this pandemic and preserve jobs. And our businesses have applied for these loans with the understanding they would not be taxed. In addition, Senator Leahy's office has confirmed that these resources were never intended to be taxed. The Legislature should be at their side, helping them up. Not on their back, trying to raise yet more in taxes.

I encourage the Legislature to take these concerns seriously – as they reflect core priorities that I will want to see reflected in the budget and other legislation as we move toward adjournment.

More specifically, rather than act quickly on H.315 with available state funds and federal Coronavirus Relief Funds – and without allowing for a transparent, tangible and transformative approach to investing \$1 billion in federal American Rescue Plan Act (ARPA) funds – the Legislature chose to hastily deploy \$59 million of ARPA funds unnecessarily. The initiatives in H.315 are not bad investments, but they should not be funded with ARPA money. Again, we owe it to Vermonters to spend the ARPA funds in a transparent way, preferably through a single spending bill, so Vermonters can easily understand the investments and can verify that the Legislature is maximizing the value of every penny to strengthen the economy in every county and every community.

In addition to unnecessarily expending ARPA funds, H.315 also spends about \$4 million in Elementary and Secondary School Emergency Relief

(ESSER) funds. Congress explicitly appropriated this money to the Vermont Agency of Education. In H.315, the Legislature added their approval as an additional requirement. This will prevent the Agency from moving quickly to meet the needs of our children. The fact is our kids are not doing okay in the hybrid learning environment and they should not have to wait for the Legislature's appropriations process.

The need for flexibility should be apparent and the expertise and judgment of the professionals at the Agency ought to be respected, not micro-managed. I intend to use all the tools at my disposal to take advantage of these grants.

Again, I want to underscore how strongly I feel about the need for an agreement between the House, Senate, and the Administration on how to spend ARPA funds. This should come *before* any additional funds are expended. I also want to reiterate that I do not support deploying these funds in a piecemeal fashion across a hodgepodge of bills and programs. These funds are meant to expedite recovery, revitalize our economy, and make a difference in the lives of Vermonters well into the future. They are not to provide short-term, unsustainable band aids for complicated issues or plug ongoing budget holes.

In conclusion, because this bill contains urgently needed funds for Vermonters, I am allowing it to become law. But the Legislature should take note that I will not support any additional, unnecessary, or unwise use of ARPA or ESSER funding. I urge the Legislature to work with me to take a more collaborative, transparent, and strategic approach to allocating the remaining ARPA funds and maximizing the transformative economic benefits of these once-in-a-lifetime funds for Vermonters.

Sincerely,

/s/Philip B. Scott
Governor

PBS/kp”

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 21, 2021.

WEDNESDAY, APRIL 21, 2021

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

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bills Introduced

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

S. 138.

By Senators McCormack, Bray, Chittenden, Clarkson, Hooker, Pollina and Sirotkin,

An act relating to naming the State office building located at 133 State Street in Montpelier.

To the Committee on Institutions.

S. 139.

By Senator McCormack,

An act relating to public schools' team mascots.

To the Committee on Education.

S. 140.

By Senator Baruth,

An act relating to prohibiting civil arrests at courthouses.

To the Committee on Judiciary.

Bill Referred

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

H. 175.

An act relating to the beverage container redemption system.

To the Committee on Rules.

Bill Passed

S. 99.

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

An act relating to repealing the statute of limitations for civil actions based on childhood physical abuse.

Bills Passed in Concurrence

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

H. 195. An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children.

H. 366. An act relating to 2021 technical corrections.

Bill Passed in Concurrence with Proposals of Amendment

H. 218.

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

An act relating to the sale of unpasteurized raw milk.

Proposal of Amendment; Third Reading Ordered

H. 128.

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

An act relating to limiting criminal defenses based on victim identity.

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. 13 V.S.A. § 6566 is added to read:

§ 6566. DEFENSE BASED ON VICTIM IDENTITY PROHIBITED

In a prosecution or sentencing for any criminal offense, the following shall not be used as a defense to the defendant's criminal conduct, to establish a finding that the defendant suffered from diminished capacity, to justify the defendant's use of force against another, or to otherwise mitigate the severity of the offense:

(1) evidence of the defendant's discovery of, knowledge about, or the potential disclosure of the crime victim's actual or perceived sexual orientation or gender identity, including under circumstances in which the victim made a nonforcible, noncriminal romantic or sexual advance toward the defendant; or

(2) evidence of the defendant's perception or belief, even if inaccurate, of the gender, gender identity, or sexual orientation of a crime victim.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered on a roll call, Yeas 29, Nays 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

The Senator absent or not voting was: Balint (presiding).

Message from the House No. 56

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

Madam 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. 25. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on April 21, 2021, he approved and signed bills originating in the House of the following titles:

H. 149. An act relating to modernizing statutes related to the Vermont National Guard.

H. 338. An act relating to reapportionment proposal deadlines.

Adjournment

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Thursday, April 22, 2021.

THURSDAY, APRIL 22, 2021

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bill Referred to Committee on Finance**H. 433.**

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

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

Bill Referred to Committee on Appropriations**H. 171.**

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

An act relating to the governance and financing of Vermont's child care system.

Bill Passed in Concurrence with Proposal of Amendment**H. 128.**

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

An act relating to limiting criminal defenses based on victim identity.

Third Reading Ordered**H. 199.**

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

An act relating to validating legal instruments used in connection with the conveyance of real estate.

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.

Proposals of Amendment; Third Reading Ordered**H. 145.**

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

An act relating to amending the standards for law enforcement use of force.

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

First: By striking out Sec. 4 in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. 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) if the person reasonably believed that he or she was in imminent peril and that it was necessary to repel that peril with deadly force, 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)(1)–(2), and (5) or deadly force in compliance with 20 V.S.A. § 2368(c)(1)–(4) and (6).

Second: In Sec. 8, effective dates, in subsection (b), by striking out the word "September" and inserting in lieu thereof the word October

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

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

Adjournment

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

FRIDAY, APRIL 23, 2021

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. 57

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

Madam President:

I am directed to inform the Senate that:

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

S. 114. An act relating to improving prekindergarten through grade 12 literacy within the State.

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

Message from the House No. 58

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

Madam President:

I am directed to inform the Senate that:

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

S. 45. An act relating to earned discharge from probation.

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 adopted House concurrent resolutions of the following titles:

H.C.R. 45. House concurrent resolution congratulating Christopher Hodsden on being named the 2021 Robert F. Pierce Principal of the Year.

H.C.R. 46. House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks boys' Alpine State championship ski team.

H.C.R. 47. House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks girls' Alpine State championship ski team.

H.C.R. 48. House concurrent resolution recognizing the special importance of social workers during the COVID-19 pandemic.

H.C.R. 49. House concurrent resolution honoring Neshobe School principal Judi Pulsifer.

H.C.R. 50. House concurrent resolution recognizing April 2021 as Fair Housing Month in Vermont.

H.C.R. 51. House concurrent resolution recognizing April 2021 as Organ Donation Month in Vermont.

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

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

S.C.R. 4. Senate concurrent resolution recognizing the week of April 18–24 2021 as Medical Laboratory Professionals Week in Vermont and the essential role of Vermont's medical laboratories during the COVID-19 pandemic.

And has adopted the same in concurrence.

Bills Referred to Committee on Appropriations

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

H. 434. An act relating to establishing the Agricultural Innovation Board.

H. 438. An act relating to capital construction and State bonding.

Bills Introduced

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

S. 141.

By Senator Westman,

An act relating to creating the Vermont Silver Alert Program.

To the Committee on Government Operations.

S. 142.

By Senators Ram, Lyons, Benning, Bray, Campion, Clarkson, Cummings, Hardy, Hooker, Kitchel, McCormack, Nitka, Perchlik, Pollina, Sears, Sirotkin, Terenzini, Westman and White,

An act relating to designating August 31 as Overdose Awareness Day.

To the Committee on Government Operations.

S. 143.

By Senator Westman,

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

To the Committee on Government Operations.

Senate Bill Recommitted

S. 53.

Senate bill entitled:

An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax.

Was taken up.

Thereupon, pending the question, Shall the Senate concur with the House Proposal of Amendment?, on motion of Senator Pearson, the bill was recommitted to the Committee on Finance.

Bill Passed in Concurrence with Proposals of Amendment

H. 145.

House bill of the following title:

An act relating to amending the standards for law enforcement use of force.

Was read the third time and passed in concurrence with proposals of amendment on a roll call, Yeas 28, Nays 1.

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: Balint, Baruth, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Kitchel, Lyons, MacDonald, Mazza, McCormack,

Nitka, Parent, Pearson, Perchlik, Pollina, Ram, Sears, Sirotkin, Terenzini, Westman, White.

The Senator who voted in the negative was: Ingalls.

The Senator absent and not voting was: Starr.

Bill Passed in Concurrence

H. 199.

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

An act relating to validating legal instruments used in connection with the conveyance of real estate.

Proposal of Amendment; Third Reading Ordered

H. 18.

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

An act relating to sexual exploitation of children.

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. 13 V.S.A. § 2821 is amended to read:

§ 2821. DEFINITIONS

As used in this chapter:

(1) “Child” means any person under 16 years of age.

(2) “Sexual conduct” means any of the following:

(A) any conduct involving contact between the penis and the vulva, the penis and the penis, the penis and the anus, the mouth and the penis, the mouth and the anus, the vulva and the vulva, or the mouth and the vulva;

(B) any intrusion, however slight, by any part of a person’s body or any object into the genital or anal opening of another with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of any person;

(C) any intentional touching, not through the clothing, of the genitals, anus, or breasts of another with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of any person;

- (D) masturbation;
- (E) bestiality; or
- (F) sadomasochistic abuse for sexual purposes; or

(G) any simulation of the conduct described in subdivisions (2)(A)–(F) of this section.

* * *

(7)(A) “Simulation” means the explicit depiction of any conduct described in subdivisions (2)(A)–(F) of this section that:

- (i) involves a child as defined in subdivision (1) of this section;
- (ii) creates the appearance of such conduct; and
- (iii) exhibits naked genitals, buttocks, or breasts below the top of the areola.

(B) “Simulation” does not include paintings, drawings, or nonvisual or written descriptions of sexual conduct.

(C) “Simulation” applies only to conduct.

Sec. 2. 13 V.S.A. § 2638 is added to read:

§ 2638. IMMUNITY FROM LIABILITY

(a) As used in this section:

(1) “Human trafficking” has the same meaning as in section 2651 of this title.

(2) “Prostitution” has the same meaning as in section 2631 of this title.

(b) A person who, in good faith and in a timely manner, reports to law enforcement that the person is a victim of or a witness to a crime that arose from the person’s involvement in prostitution or human trafficking shall not be cited, arrested, or prosecuted for a violation of the following offenses:

- (1) section 2632 of this title (prostitution);
- (2) section 2601a of this title (prohibited conduct);
- (3) 18 V.S.A. § 4230(a)(1)–(3) (cannabis possession);
- (4) 18 V.S.A. § 4231(a)(1) and (2) (cocaine possession);
- (5) 18 V.S.A. § 4232(a)(1) and (2) (LSD possession);
- (6) 18 V.S.A. § 4233(a)(1) and (2) (heroin possession);

(7) 18 V.S.A. § 4234(a)(1) and (2) (depressant, stimulant, and narcotic drugs possession);

(8) 18 V.S.A. § 4234a(a)(1) and (2) (methamphetamine possession);

(9) 18 V.S.A. § 4235(b)(1) (hallucinogenic drugs possession); and

(10) 18 V.S.A. § 4235a(a)(1) (Ecstasy possession).

(c) The immunity provisions of this section apply only to the use and derivative use of evidence gained as a proximate result of the person reporting to law enforcement that the person is a victim of or a witness to a crime that arose from the person's involvement in prostitution or human trafficking and do not preclude prosecution of the person on the basis of evidence obtained from an independent source.

(d) A person who qualifies for immunity pursuant to subsection (b) or (c) of this section shall not be subject to the provisions of 18 V.S.A. chapter 84, subchapter 2 concerning property subject to forfeiture, except that prima facie contraband shall be subject to forfeiture.

(e) Except in cases of reckless or intentional misconduct, law enforcement shall be immune from liability for citing or arresting a person who is later determined to qualify for immunity under this section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

An act relating to sexual exploitation of children and limited immunity from liability for a person reporting a crime.

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.

Senate Concurrent Resolution

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

By Senators Lyons, Cummings, Hardy, Hooker and Terenzini,

By Reps. Lippert and others,

S.C.R. 4.

Senate concurrent resolution recognizing the week of April 18–24 2021 as Medical Laboratory Professionals Week in Vermont and the essential role of Vermont’s medical laboratories during the COVID-19 pandemic.

House Concurrent Resolutions

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

By Reps. Mrowicki and others,

By Senators Balint and White,

H.C.R. 45.

House concurrent resolution congratulating Christopher Hodsdon on being named the 2021 Robert F. Pierce Principal of the Year.

By Reps. Yantachka and others,

By Senators Baruth, Chittenden, Lyons, Pearson, Ram and Sirotkin,

H.C.R. 46.

House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks boys’ Alpine State championship ski team.

By Reps. Yantachka and others,

By Senators Baruth, Chittenden, Lyons, Pearson, Ram and Sirotkin,

H.C.R. 47.

House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks girls’ Alpine State championship ski team.

By Reps. Vyhovsky and others,

H.C.R. 48.

House concurrent resolution recognizing the special importance of social workers during the COVID-19 pandemic.

By Reps. Jerome and others,

By Senators Collamore, Hooker and Terenzini,

H.C.R. 49.

House concurrent resolution honoring Neshobe School principal Judi Pulsifer.

By the Committee on General, Housing, and Military Affairs,

H.C.R. 50.

House concurrent resolution recognizing April 2021 as Fair Housing Month in Vermont.

By Reps. Howard and others,

By Senators Collamore, Hooker and Terenzini,

H.C.R. 51.

House concurrent resolution recognizing April 2021 as Organ Donation Month in Vermont.

Adjournment

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, April 27, 2021, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 25.

TUESDAY, APRIL 27, 2021

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Jill Colley Robinson of South Burlington.

Pledge of Allegiance

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

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:

Madam President:

I am directed by the Governor to inform the Senate that on the twenty-sixth day of April, 2021 he approved and signed bills originating in the Senate of the following titles:

S. 18. An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes.

S. 60. An act relating to allowing municipal and cooperative utilities to offer innovative rates and services.

Bills Referred to Committee on Appropriations

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

H. 210. An act relating to addressing disparities and promoting equity in the health care system.

H. 426. An act relating to addressing the needs and conditions of public school facilities in the State.

H. 430. An act relating to expanding eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals regardless of immigration status.

Joint Senate Resolution Adopted on the Part of the Senate**J.R.S. 26.**

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

By Senator Balint,

J.R.S. 26. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 30, 2021, it be to meet again no later than Tuesday, May 4, 2021.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 144.

By Senators Perchlik and Ram,

An act relating to the removal of certain restrictive covenants from deeds.

To the Committee on Judiciary.

House Proposal of Amendment Concurred In with Amendment**S. 88.**

House proposal of amendment to Senate bill entitled:

An act relating to insurance, banking, and securities.

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. 8 V.S.A. § 2760b is amended to read:

§ 2760b. PROHIBITED ACTIVITIES

* * *

(c) No person or any other entity, other than a licensee, shall use the ~~title~~ titles “debt adjuster,” “budget planner,” “licensed debt adjuster,” or “licensed budget planner” or the ~~term~~ terms “debt adjuster,” “debt reduction,” or “budget planning,” or, in each case, words of similar import in any public advertisement, business card, or letterhead.

* * *

Sec. 2. 8 V.S.A. § 2102 is amended to read:

§ 2102. APPLICATION FOR LICENSE

* * *

(b) At the time of making an application, the applicant shall pay to the Commissioner a fee for investigating the application and a license or registration fee for a period terminating on the last day of the current calendar year. The following fees are imposed on applicants:

* * *

~~(8) For an application for any combination of lender license under chapter 73 of this title, mortgage broker license under chapter 73 of this title, loan solicitation license under chapter 73 of this title, or loan servicer license under chapter 85 of this title, \$1,500.00 as a license fee and \$1,500.00 as an application and investigation fee. [Repealed.]~~

* * *

Sec. 3. 8 V.S.A. § 2109 is amended to read:

§ 2109. ANNUAL RENEWAL OF LICENSE

(a) On or before December 1 of each year, every licensee shall renew its license or registration for the next succeeding calendar year and shall pay to the Commissioner the applicable renewal of license or registration fee. At a minimum, the licensee or registree shall continue to meet the applicable standards for licensure or registration. At the same time, the licensee or registree shall maintain with the Commissioner any required bond in the amount and of the character as required by the applicable chapter. The annual license or registration renewal fee shall be:

* * *

(8) ~~For any combination of lender license under chapter 73 of this title, mortgage broker license under chapter 73 of this title, loan solicitation license under chapter 73 of this title, or loan servicer license under chapter 85 of this title, \$1,700.00. [Repealed.]~~

* * *

Sec. 4. 8 V.S.A. § 2120(a)(4) is amended to read:

(4) If a licensee does not file its annual report on or before April 1, or within any extension of time granted by the Commissioner, the licensee shall pay to the Department ~~\$100.00~~ \$1,000.00 for each month or part of a month that the report is past due, beginning on the date that is five business days after April 1 or the last date of such extension, as applicable.

Sec. 5. 8 V.S.A. § 2405(a) is amended to read:

(a) ~~Each independent trust company shall annually file a report on its financial condition with the Commissioner on or before February 15 for the preceding year ending December 31. The Commissioner may require reports from any independent trust company doing a trust business in this State, containing such information, including on its financial condition, at such times and in such format as the Commissioner may prescribe. The Commissioner may require additional reports from any independent trust company that is doing a trust business in this State. The Commissioner may accept a copy of any report from the primary regulator of the independent trust company if the Commissioner determines that the report is substantially similar to a report required under this section.~~

Sec. 6. 8 V.S.A. § 2105 is amended to read:

§ 2105. CONTENTS OF LICENSE; NONTRANSFERABLE

(a) A license shall state the address at which a licensee will conduct its business, shall state fully the name of the licensee, and, if the licensee is not an individual, shall state the date and place of its organization or incorporation.

(b) A mortgage loan originator license shall state fully the name of the individual, his or her sponsoring company, and the licensed location at to which he or she is ~~employed~~ assigned.

* * *

Sec. 7. 8 V.S.A. § 2122 is amended to read:

§ 2122. USE OF OTHER NAMES OR BUSINESS PLACES

(a) A licensee shall not conduct business or make a loan subject to regulation under this part under any other name or at any other place of

business than as specified in its license.

(b) Mortgage loan originators and employees of licensees may work remotely through a licensed location without being physically present at such location, provided the mortgage loan originator or employee is assigned to a licensed location, is adequately supervised by the licensee, and the licensee and the mortgage loan originator or employee meet such additional conditions as the Commissioner may require.

(c) This section does not apply to a commercial loan made to a borrower located outside Vermont for use outside Vermont.

Sec. 8. 8 V.S.A. § 2201 is amended to read:

§ 2201. LICENSES REQUIRED

* * *

(b) A licensed mortgage loan originator shall register and maintain a valid unique identifier with the Nationwide Multistate Licensing System and Registry and shall be either:

(1) An employee actively employed at or assigned to a licensed location of, and supervised and sponsored by, only one licensed lender or licensed mortgage broker operating in this State.

(2) An individual sole proprietor who is also a licensed lender or licensed mortgage broker.

(3) An employee engaged in loan modifications employed at or assigned to a licensed location of, and supervised and sponsored by, only one third-party loan servicer licensed to operate in this State pursuant to chapter 85 of this title. As used in this subsection, “loan modification” means an adjustment or compromise of an existing residential mortgage loan. The term “loan modification” does not include a refinancing transaction.

* * *

Sec. 9. 8 V.S.A. § 4806 is amended to read:

§ 4806. ~~SURRENDER OF LICENSE; LOSS OR DESTRUCTION~~
SUSPENSION, REVOCATION, OR TERMINATION OF
LICENSE

* * *

~~(c) Upon suspension, revocation, or termination of a license, the licensee shall forthwith deliver it to the Commissioner by personal delivery or by mail. [Repealed.]~~

~~(d) Any licensee who ceases to maintain his or her residency in this State as defined in subdivision 4800(3) of this title, shall deliver his or her insurance license or licenses to the Commissioner by personal delivery or by mail within 30 days after terminating his or her residency. [Repealed.]~~

~~(e) The Commissioner may issue a duplicate license for any lost, stolen, or destroyed license issued pursuant to this subchapter upon an affidavit of the licensee prescribed by the Commissioner concerning the facts of the loss, theft, or destruction. [Repealed.]~~

Sec. 10. 8 V.S.A. § 23(a) is amended to read:

(a) This section shall apply to all persons licensed, authorized, or registered, or required to be licensed, authorized, or registered, under Parts 2 and 4 of this title.

Sec. 11. 8 V.S.A. § 8301 is amended to read:

§ 8301. DEFINITIONS

As used in this chapter:

(1) “Adjusted risk based capital report” means a risk based capital report ~~which~~ that has been adjusted by the Commissioner in accordance with subsection 8302(e) of this title.

(2) “Commissioner” means the Commissioner of Financial Regulation.

(3) “Corrective order” means an order issued by the Commissioner specifying corrective actions ~~which~~ that the Commissioner has determined are required under this chapter.

(4) “Domestic insurer” means any insurance company organized in this State under subchapter 1 of chapter 101 of this title, any fraternal benefit society organized in this State under chapter 121 of this title, any health maintenance organization organized in this State under chapter 139 of this title, and any entity organized in this State under chapter 123 or 125 of this title.

(5) “Fraternal benefit society” means any insurance company licensed under chapter 121 of this title.

(6) “Foreign insurer” means any entity licensed to transact business in this State that is required to file a risk based capital statement in the state where the entity is domiciled.

(7) “Health maintenance organization” means any entity organized in the State under chapter 139 of this title.

~~(8)~~ “Life or health insurer” means ~~any an~~ an insurance company ~~who that~~ that insures lives or health as defined in subdivisions 3301(a)(1) and (2) of this title, ~~any health maintenance organization organized in this State under chapter 139 of this title,~~ any an entity organized in this State under chapter 123 or 125 of this title, or a licensed property and casualty insurer writing only accident and health insurance.

~~(8)~~(9) “NAIC” means the National Association of Insurance Commissioners.

~~(9)~~(10) “Negative trend” means, with respect to a life or health insurer or fraternal benefit society, negative trend over a period of time as determined in accordance with the trend test calculation included in the life or fraternal risk based capital instructions.

~~(10)~~(11) “Property and casualty insurer” means any insurance company ~~who that~~ that insures property or casualty as defined in subdivisions 3301(a)(3) and (7) of this title, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers, ~~and~~ or title insurers.

~~(11)~~(12) “Risk based capital instructions” means the risk based capital report form and the related instructions adopted by the NAIC and approved by the Commissioner.

~~(12)~~(13) “Risk based capital level” means one of the following four levels: company action level risk based capital, regulatory action level risk based capital, authorized control level risk based capital, or mandatory control level risk based capital.

(A) “Company action level risk based capital” means, with respect to any insurer, the product of 2.0 and its authorized control level risk based capital.

(B) “Regulatory action level risk based capital” means, with respect to any insurer, the product of 1.5 and its authorized control level risk based capital.

(C) “Authorized control level risk based capital” means the number determined under the risk based capital formula in accordance with the risk based capital instructions.

(D) “Mandatory control level risk based capital” means, with respect to any insurer, the product of 0.70 and its authorized control level risk based capital.

~~(13)~~(14) “Risk based capital plan” means a comprehensive financial plan containing the elements specified in subsection 8303(b) of this title. If the Commissioner rejects the risk based capital plan and it is revised by the

insurer, with or without the Commissioner's recommendation, the plan shall be called the "revised risk based capital plan."

~~(14)~~(15) "Risk based capital report" means the report required in section 8302 of this title.

~~(15)~~(16) "Total adjusted capital" means the sum of:

(A) the insurer's statutory capital and surplus reported in the insurer's annual statement under section 3561 of this title; and

(B) such other items, if any, as the risk based capital instructions may provide.

Sec. 12. 8 V.S.A. § 8302 is amended to read:

§ 8302. RISK BASED CAPITAL REPORT

* * *

(d) A property and casualty insurer's or health maintenance organization's risk based capital shall be determined in accordance with the formula set forth in the risk based capital instructions. The formula shall take into account and may adjust for the covariance between the following factors determined in each case by applying the factors in the manner set forth in the risk based capital instructions:

- (1) asset risk;
- (2) credit risk;
- (3) underwriting risk; and

(4) all other business risks and such other relevant risks as are set forth in the risk based capital instructions.

(e) If a domestic insurer files a risk based capital report ~~which~~ that in the judgment of the Commissioner is inaccurate, then the Commissioner shall adjust the risk based capital report to correct the inaccuracy and shall notify the insurer of the adjustment. The notice shall contain a statement of the reason for the adjustment. A risk based capital report adjusted by the Commissioner under this subsection shall be referred to as an "adjusted risk based capital report."

Sec. 13. 8 V.S.A. § 8303 is amended to read:

§ 8303. COMPANY ACTION LEVEL EVENT

(a) "Company action level event" means any of the following events:

(1) The filing of a risk based capital report by an insurer ~~which~~ that indicates that:

(A) the insurer's total adjusted capital is greater than or equal to its regulatory action level risk based capital but less than its company action level risk based capital;

(B) ~~if in the case of~~ a life or health insurer or a fraternal benefit society, the insurer or society has total adjusted capital ~~which~~ that is greater than or equal to its company action level risk based capital but less than the product of its authorized control level risk based capital and 3.0 and has a negative trend; ~~or~~

(C) ~~if in the case of~~ a property and casualty insurer, the insurer has total adjusted capital ~~which~~ that is greater than or equal to its company action level risk based capital but less than the product of its authorized control level risk based capital and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty risk based capital instructions; or

(D) in the case of a health maintenance organization, the insurer has total adjusted capital that is greater than or equal to its company action level risk based capital but less than the product of its authorized control level risk based capital and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the health risk based capital instructions.

(2) The notification by the Commissioner to the insurer of an adjusted risk based capital report that indicates an event in subdivision (1) of this subsection, provided the insurer does not challenge the adjusted risk based capital report under section 8307 of this title.

(3) If, under section 8307 of this title, an insurer challenges an adjusted risk based capital report that indicates the event in subdivision (1) of this subsection, the notification by the Commissioner to the insurer that the Commissioner has, after a hearing, rejected the insurer's challenge.

(b) An insurer shall prepare and submit to the Commissioner a risk based capital plan within 45 days of filing a risk based capital report or within 45 days of a final adjusted risk based capital report showing a company action level event. The risk based capital plan shall be a comprehensive financial plan and shall:

(1) ~~identify~~ Identify the conditions in the insurer ~~which~~ that contribute to the company action level event;

(2) ~~contain~~ Contain proposals of corrective actions ~~which~~ that the insurer intends to take that would result in the elimination of the company action level event;

(3) ~~provide~~ Provide projections of the insurer's financial results in the current year and at least the four succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital, and surplus. The projections for both new and renewal business should include separate projections for each major line of business and separately identify each significant income, expense, and benefit component;.

(4) ~~identify~~ Identify the key assumptions impacting the insurer's projections and the sensitivity of the projections to the assumptions; ~~and~~.

(5) ~~identify~~ Identify the quality of, and problems associated with, the insurer's business, including its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business, and use of reinsurance.

(c) The Commissioner shall notify the insurer whether the proposed risk based capital plan is approved within 60 days of its submission. If the Commissioner disapproves the plan, the notice shall set forth the reasons for the disapproval and may notify the insurer of revisions ~~which~~ that will render the risk based capital plan satisfactory to the Commissioner. Upon notice that a proposed plan is disapproved, the insurer shall prepare and submit a revised risk based capital plan within 45 days of the Commissioner's notice of disapproval or, if the Commissioner's notice of disapproval is appealed under section 8307 of this title, within 45 days of a Commissioner's determination adverse to the insurer.

(d) In the event of a notification by the Commissioner to an insurer that the insurer's risk based capital plan or revised risk based capital plan is unsatisfactory, the Commissioner may at the Commissioner's discretion, subject to the insurer's right to a hearing under section 8307 of this title, specify in the notification that the notification constitutes a regulatory action level event.

(e) Each domestic insurer required to file a risk based capital plan or revised risk based capital plan under this section shall file a copy of the plan with the insurance commissioner in any state in which the insurer is authorized to do business if:

(1) such state has a provision that is substantially similar to section 8308 of this title; ~~and~~ or

(2) the insurance commissioner of that state has notified the insurer of its request for the filing in writing. Plans required to be filed under this subdivision shall be filed ~~no~~ not later than the later of:

(A) 15 days after notice to file a copy of its risk based capital plan or revised risk based capital plan with the state; or

(B) the date on which the risk based capital plan or revised risk based capital plan is required to be filed under section 8304 of this title.

Sec. 14. 8 V.S.A. § 8307 is amended to read:

§ 8307. HEARINGS

Upon receipt of any notice required under ~~subsections~~ subsection 8302(e), 8303(c) ~~and or (d), and subdivisions~~ subdivision 8304(a)(4) ~~and or (5), and or~~ subsection 8304(c) of this title, any insurer aggrieved by any action taken under those sections may appeal to the Commissioner within five days of receipt of notice of the action. The hearing shall be subject to 3 V.S.A. chapter 25. Upon receipt of the insurer's request for a hearing, the Commissioner shall set a date for the hearing, which date shall be ~~no~~ not less than 10 nor more than 30 days after the date of the insurer's request.

Sec. 15. 8 V.S.A. § 8308(a) is amended to read:

(a) All risk based capital reports, to the extent the information therein is not required to be set forth in a publicly available annual statement schedule, and risk based capital plans, including the results or report of any examination or analysis of an insurer performed pursuant hereto and any corrective order issued by the Commissioner pursuant to examination or analysis, with respect to any domestic insurer or foreign insurer ~~which~~ that are filed with the Commissioner, constitute information that might be damaging to the insurer if made available to its competitors, and therefore shall be kept confidential and privileged by the Commissioner. This information shall not be made available for public inspection and copying under the Public Records Act, shall not be subject to subpoena, shall not be subject to discovery, and shall not be admissible in evidence in any private civil action. However, the Commissioner is authorized to use the documents, materials, or other information for the purpose of enforcement actions taken by the Commissioner under this chapter or any other provision of the insurance laws of this State.

Sec. 16. 8 V.S.A. § 8312 is amended to read:

§ 8312. CONFIDENTIALITY OF RISK BASED CAPITAL REPORTS

All risk based capital reports concerning insurance companies that are not included in section 8308 of this title that are submitted to the Department by the ~~National Association of Insurance Commissioners~~ NAIC or by other states are confidential and ~~may~~ shall not be disclosed by the Department.

Sec. 17. 8 V.S.A. § 15a is amended to read:

§ 15a. INSURANCE REGULATORY SANDBOX; INNOVATION
WAIVER; SUNSET-

* * *

(o) No new waivers or extensions shall be granted after July 1, ~~2024~~ 2023.

(p) This section shall be repealed on July 1, ~~2023~~ 2025.

Sec. 18. 9 V.S.A. § 5410 is amended to read:

§ 5410. FILING FEES

(a) A person shall pay a fee of \$300.00 when initially filing an application for registration as a broker-dealer and a fee of \$300.00 when filing a renewal of registration as a broker-dealer. A separate application in writing for branch office registration or renewal, accompanied by a filing fee of \$120.00 per branch office, shall be filed in the Office of the Commissioner in such form as the Commissioner may prescribe by any broker-dealer who transacts business in this State from any place of business located within this State. ~~If the filing results in a denial or withdrawal, the Commissioner shall retain the fee~~ The fee is nonrefundable.

(b) The fee for an individual is \$120.00 when filing an application for registration as an agent, \$120.00 when filing a renewal of registration as an agent, and \$120.00 when filing for a change of registration as an agent. ~~If the filing results in a denial or withdrawal, the Commissioner shall retain the fee~~ The fee is nonrefundable.

(c) A person shall pay a fee of \$300.00 when filing an application for registration as an investment adviser and a fee of \$300.00 when filing a renewal of registration as an investment adviser. A separate application in writing for branch office registration or renewal, accompanied by a filing fee of \$120.00 per branch office, shall be filed in the Office of the Commissioner in such form as the Commissioner may prescribe by any investment adviser who transacts business in this State from any place of business located within the State. ~~If the filing results in a denial or withdrawal, the Commissioner shall retain the fee~~ The fee is nonrefundable.

(d) The fee for an individual is \$80.00 when filing an application for registration as an investment adviser representative, \$80.00 when filing a renewal of registration as an investment adviser representative, and \$80.00 when filing a change of registration as an investment adviser representative. ~~If the filing results in a denial or withdrawal, the Commissioner shall retain the fee~~ The fee is nonrefundable.

(e) A federal covered investment adviser required to file a notice under section 5405 of this title shall pay an initial fee of \$300.00 and an annual notice fee of \$300.00. A notice filing may be terminated by filing notice of such termination with the Commissioner. ~~If a notice filing results in a denial or withdrawal, the Commissioner shall retain the fee~~ The fee is nonrefundable.

Sec. 19. 8 V.S.A. § 4077 is added to read:

§ 4077. TERMINATION; COMPREHENSIVE MAJOR MEDICAL POLICIES; GRACE PERIOD

(a) A comprehensive major medical insurance policy issued by a health insurance company, nonprofit hospital or medical service corporation, or health maintenance organization that insures employees, members, or subscribers for hospital and medical insurance on an expense-incurred, service, or prepaid basis shall:

(1) provide notice to the policyholder or other responsible party of any premium payment due on a policy at least 21 days before the due date; and

(2) provide a grace period of at least one month for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force and the issuer of the policy shall be liable for valid claims for covered losses incurred prior to the end of the grace period.

(b) If the issuer of a policy described in subsection (a) of this section does not receive payment by the due date, the issuer shall send a termination notice to the policyholder at least 21 days prior to termination notifying the policyholder that the issuer may terminate the policy if payment is not received by the termination date.

(c) The termination date of a policy described in subsection (a) of this section shall not be earlier than the day following the last day of the grace period set forth in subdivision (a)(1) of this section.

Sec. 20. 8 V.S.A. § 4089h is amended to read:

§ 4089h. CANCELLATION OR NONRENEWAL OF HEALTH INSURANCE COVERAGE

(a) Except as otherwise provided for comprehensive major medical insurance coverage in section 4077 of this chapter, a health insurer shall notify a policyholder of any premium payment due on a policy at least 21 days before the due date. If an insurer does not receive payment by the due date, an insurer shall send a termination notice to the policyholder notifying the policyholder that the insurer will terminate the policy effective on the due date if payment is not received within 14 days from the date of mailing of the termination notice. If an insurer does not receive payment within 14 days

from the date of mailing of the termination notice an insurer may cancel coverage effective on the due date.

(b) As used in this section, "health insurer" means a health insurance company, a hospital or medical service corporation, or a health maintenance organization ~~which~~ that issues or renews any individual policy, service contract, or benefit plan in this State.

Sec. 21. 8 V.S.A. § 6002 is amended to read:

§ 6002. LICENSING; AUTHORITY

* * *

(b) No captive insurance company shall do any insurance business in this State unless:

(1) it first obtains from the Commissioner a license authorizing it to do insurance business in this State;

(2) its board of directors or committee of managers or, in the case of a reciprocal insurer, its subscribers' advisory committee holds at least one meeting each year in this State;

(3) it maintains its principal place of business in this State; and

(4) it appoints a registered agent to accept service of process and to otherwise act on its behalf in this State; provided that whenever such registered agent cannot with reasonable diligence be found at the registered office of the captive insurance company, the ~~Secretary of State~~ Commissioner shall be an agent of such captive insurance company upon whom any process, notice, or demand may be served.

(c)(1) Before receiving a license, a captive insurance company shall:

(A) File with the Commissioner a ~~certified~~ copy of its organizational documents, ~~a statement under oath of its president and secretary showing its financial condition,~~ and any other statements or documents required by the Commissioner.

(B) Submit to the Commissioner for approval a description of the coverages, deductibles, coverage limits, and rates, together with such additional information as the Commissioner may reasonably require. In the event of any subsequent material change in any item in such description, the captive insurance company shall submit to the Commissioner for approval an appropriate revision and shall not offer any additional kinds of insurance until a revision of such description is approved by the Commissioner. The captive insurance company shall inform the Commissioner of any material change in rates within 30 days of the adoption of such change.

(2) Each applicant captive insurance company shall also file with the Commissioner evidence of the following:

(A) the amount and liquidity of its assets relative to the risks to be assumed;

(B) the adequacy of the expertise, experience, and character of the person or persons who will manage it;

(C) the overall soundness of its plan of operation;

(D) the adequacy of the loss prevention programs of its insureds; and

(E) such other factors deemed relevant by the Commissioner in ascertaining whether the proposed captive insurance company will be able to meet its policy obligations.

(3) Information submitted pursuant to this subsection shall be and remain confidential, and may not be made public by the Commissioner or an employee or agent of the Commissioner without the written consent of the company, except that:

(A) such information may be discoverable by a party in a civil action or contested case to which the captive insurance company that submitted such information is a party, upon a showing by the party seeking to discover such information that:

(i) the information sought is relevant to and necessary for the furtherance of such action or case;

(ii) the information sought is unavailable from other nonconfidential sources; and

(iii) a subpoena issued by a judicial or administrative officer of competent jurisdiction has been submitted to the Commissioner; provided, however, that the provisions of this subdivision (3) shall not apply to any risk retention group; and

(B) the Commissioner may, in the Commissioner's discretion, disclose such information to a public officer having jurisdiction over the regulation of insurance in another state, provided that:

(i) such public official shall agree in writing to maintain the confidentiality of such information; and

(ii) the laws of the state in which such public official serves require such information to be and to remain confidential.

* * *

(e) If the Commissioner is satisfied that the documents and statements that such captive insurance company has filed comply with the provisions of this chapter, and that such captive insurance company has been duly organized, the Commissioner may grant a license authorizing it to do insurance business in this State until April 1 thereafter, which license may be renewed.

Sec. 22. 8 V.S.A. § 6004 is amended to read:

§ 6004. MINIMUM CAPITAL AND SURPLUS; LETTER OF CREDIT

(a) ~~No captive insurance company shall be issued a license unless it~~ Prior to issuing any policies of insurance or entering into any contracts of reinsurance, each captive insurance company shall possess and thereafter maintain unimpaired paid-in capital and surplus of:

(1) in the case of a pure captive insurance company, not less than \$250,000.00;

(2) in the case of an association captive insurance company, not less than \$500,000.00;

(3) in the case of an industrial insured captive insurance company, not less than \$500,000.00;

(4) in the case of an agency captive insurance company, not less than \$500,000.00;

(5) in the case of a risk retention group, not less than \$1,000,000.00; and

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

(b) The Commissioner may prescribe additional capital and surplus based upon the type, volume, and nature of insurance business transacted.

(c) Capital and surplus may be in the form of cash, marketable securities, a trust approved by the Commissioner and of which the Commissioner is the sole beneficiary, or an irrevocable letter of credit issued by a bank approved by the Commissioner. The Commissioner may reduce or waive the capital and surplus amounts required by this section pursuant to a plan of dissolution for the company approved by the Commissioner.

(d) Within 30 days after commencing business, each captive insurance company shall file with the Commissioner a statement under oath of its president and secretary certifying that the captive insurance company possessed the requisite unimpaired paid-in capital and surplus prior to commencing business.

Sec. 23. 8 V.S.A. § 6007 is amended to read:

§ 6007. REPORTS AND STATEMENTS

(a) Captive insurance companies shall not be required to make any annual report except as provided in this chapter.

(b) Prior to March 1 of each year, and prior to March 15 of each year in the case of pure captive insurance companies, association captive insurance companies, sponsored captive insurance companies, ~~or~~ industrial insured captive insurance companies, or agency captive insurance companies, each captive insurance company shall submit to the Commissioner a report of its financial condition, verified by oath of two of its executive officers. Each captive insurance company shall report using generally accepted accounting principles, statutory accounting principles, or international financial reporting standards unless the Commissioner requires, approves, or accepts the use of any other comprehensive basis of accounting, in each case with any appropriate or necessary modifications or adaptations thereof required or approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. As used in this section, statutory accounting principles shall mean the accounting principles codified in the NAIC Accounting Practices and Procedures Manual. Upon application for admission, a captive insurance company shall select, with explanation, an accounting method for reporting. Any change in a captive insurance company's accounting method shall require prior approval. Except as otherwise provided, each risk retention group shall file its report in the form required by subsection 3561(a) of this title, and each risk retention group shall comply with the requirements set forth in section 3569 of this title. The Commissioner shall by rule propose the forms in which pure captive insurance companies, association captive insurance companies, sponsored captive insurance companies, and industrial insured captive insurance companies shall report. Subdivision 6002(c)(3) of this title shall apply to each report filed pursuant to this section, except that such subdivision shall not apply to reports filed by risk retention groups.

(c) Any pure captive insurance company, association captive insurance company, sponsored captive insurance company, ~~or~~ industrial insured captive insurance company, or agency captive insurance company may make written application for filing the required report on a fiscal year-end. If an alternative reporting date is granted:

- (1) the annual report is due 75 days after the fiscal year-end; and

(2) in order to provide sufficient detail to support the premium tax return, the pure captive insurance company, association captive insurance company, sponsored captive insurance company, or industrial insured captive insurance company shall file prior to March 15 of each year for each calendar year-end, pages 1, 2, 3, and 5 of the "Vermont Captive Insurance Company Annual Report - Short Form" verified by oath of two of its executive officers.

Sec. 24. 8 V.S.A. § 6034c is amended to read:

§ 6034c. ~~PROTECTED CELL CONVERSION INTO AN INCORPORATED PROTECTED CELL~~

(a)(1) Subject to the prior written approval of the Commissioner, on application of the sponsor and with the prior consent of each participant of the affected protected ~~cell~~ cells or as otherwise permitted pursuant to a participation agreement and the consent of each affected incorporated protected cell, a sponsored captive insurance company or a sponsored captive insurance company licensed as a special purpose financial insurance company may convert ~~a protected cell into an incorporated protected cell pursuant to the provisions of section 6034a of this title, without affecting the protected cell's assets, rights, benefits, obligations, and liabilities~~ one or more protected cells or incorporated protected cells into a:

(A) single protected cell or incorporated protected cell;

(B) new sponsored captive insurance company;

(C) new sponsored captive insurance company licensed as a special purpose financial insurance company;

(D) new special purpose financial insurance company;

(E) new pure captive insurance company;

(F) new risk retention group;

(G) new agency captive insurance company;

(H) new industrial insured captive insurance company; or

(I) new association captive insurance company.

(2) Any such conversion shall be subject to section 6031 and subchapters 1 and 4 of this chapter, as applicable, as well as to a plan or plans of operation approved by the Commissioner, without affecting any protected cell's or incorporated protected cell's assets, rights, benefits, obligations, and liabilities.

(b) Any such conversion shall be deemed for all purposes to be a continuation of ~~the~~ each such protected cell's or incorporated protected cell's

existence together with all of its assets, rights, benefits, obligations, and liabilities, as ~~an a new protected cell or incorporated protected cell of the,~~ a licensed sponsored captive insurance company or, a sponsored captive insurance company licensed as a special purpose financial insurance company, a pure captive insurance company, a risk retention group, an industrial insured captive insurance company, or an association captive insurance company, as applicable. Any such conversion shall be deemed to occur without any transfer or assignment of any such assets, rights, benefits, obligations, or liabilities and without the creation of any reversionary interest in, or impairment of, any such assets, rights, benefits, obligations, and liabilities.

(c) Any such conversion shall not be construed to limit any rights or protections applicable to any converted protected cell or incorporated protected cell and such sponsored captive insurance company or sponsored captive insurance company licensed as a special purpose financial insurance company under this subchapter or under subchapter 4 of this chapter, as applicable, that existed immediately prior to the date of any such conversion.

(d)(1) Any protected cell converting into an incorporated protected cell pursuant to this section, or converting into a new captive insurance company or risk retention group pursuant to this section, shall perform such conversion in accordance with:

(A) the provisions of 11A V.S.A. chapter 11 if the converted entity is to be a corporation;

(B) the provisions of 11 V.S.A. chapter 25, subchapter 10 if the converted entity is to be a limited liability company; or

(C) the provisions applicable to any other type of entity permissible under Vermont law if the converted entity is to be such an entity.

(2) As used in this subdivision, a protected cell that is not an incorporated protected cell shall be considered an “organization” as that term is defined in 11A V.S.A. § 11.01 and 11 V.S.A. § 4141; an “other insurer” as that term is defined in 8 V.S.A. § 6020; and an “entity” as that term is defined in 11C V.S.A. § 102.

Sec. 25. REPEAL

8 V.S.A. § 6034e is repealed.

Sec. 26. 8 V.S.A. § 6006(j) is amended to read:

(j) The provisions of chapter 101, subchapters 3 and 3A of this title, pertaining to mergers, consolidations, conversions, mutualizations, redomestications, and mutual holding companies, shall apply in determining the procedures to be followed by captive insurance companies in carrying out

any of the transactions described therein, except that:

(1) If the shareholders, members, or policyholders of the captive insurance company have unanimously approved of the merger, the procedures set forth in section 6006a of this title shall apply.

(2) The Commissioner may, upon request of an insurer party to a merger authorized under this subsection, waive the requirement of subdivision 3424(6) of this title.

(2)(3) The Commissioner may waive the requirements for public notice and hearing or, in accordance with rules ~~which~~ that the Commissioner may adopt addressing categories of transactions, modify the requirements for public notice and hearing. If a notice of public hearing is required, but no one requests a hearing ten days before the day set for the hearing, then the Commissioner may cancel the hearing.

(3)(4) The provisions of subsections 3423(f) and (h) of this title shall not apply, and the Commissioner may waive or modify the requirement of subdivision 3423(b)(4) of this title, with respect to market value of a converted company as necessary or desirable to reflect applicable restrictions on ownership of companies formed under this chapter.

(4)(5) An alien insurer may be a party to a merger authorized under this subsection; provided that the requirements for a merger between a captive insurance company and a foreign insurer under section 3431 of this title shall apply to a merger between a captive insurance company and an alien insurer under this subsection. Such alien insurer shall be treated as a foreign insurer under section 3431 and such other jurisdictions shall be the equivalent of a state for purposes of section 3431.

(5)(6) The Commissioner may issue a certificate of general good to permit the formation of a captive insurance company that is established for the purpose of consolidating or merging with or assuming existing insurance or reinsurance business from an existing licensed captive insurance company. The Commissioner may, upon request of such newly formed captive insurance company, waive or modify the requirements of subdivisions 6002(c)(1)(B) and (2) of this title.

(6)(7) The Commissioner may waive or modify application of the provisions of chapter 132 and chapter 101, subchapters 3 and 3A of this title and the provisions of Titles 11, 11A, and 11B in order to permit mergers of a non-insurer subsidiary of a captive insurance company with and into the captive insurance company or another of its subsidiaries without approval of the shareholders, members, or subscribers of such captive insurance company and without making available to the shareholders, members, or subscribers

dissenters' rights otherwise made available in such a merger; provided, however, that the board of directors, managers, or subscribers' advisory committee of each of the merging entities shall approve such merger. The Commissioner may condition any such waiver or modification upon a good faith effort by the captive insurance company to provide notice of the merger to its shareholders, members, or subscribers.

Sec. 27. 8 V.S.A. § 6006a is added to read:

§ 6006a. MERGERS

(a) Any captive insurance company meeting the qualifications set forth in subdivision 6006(j)(1) of this title may merge with any other insurer, whether licensed in this State or elsewhere, in the following manner:

(1) The board of directors of each insurer shall, by a resolution adopted by a majority vote of the members of such board, approve a joint agreement of merger setting forth:

(A) the names of the insurers proposed to merge, and the name of the insurer into which they propose to merge, which is hereafter designated as the surviving company;

(B) the terms and conditions of the proposed merger and the mode of carrying the same into effect;

(C) the manner and basis of converting the ownership interests, if applicable, in other than the surviving insurer into ownership interests or other consideration, securities, or obligations of the surviving insurer;

(D) a restatement of such provisions of the articles of incorporation of the surviving insurer as may be deemed necessary or advisable to give effect to the proposed merger; and

(E) any other provisions with respect to the proposed merger as are deemed necessary or desirable.

(2) The resolution of the board of directors of each insurer approving the agreement shall direct that the agreement be submitted to a vote of the shareholders, members, or policyholders, as the case may be, of each insurer entitled to vote in respect thereof at a designated meeting thereof, or via unanimous written consent of such shareholders, members, or policyholders in lieu of a meeting. Notice of the meeting shall be given as provided in the bylaws, charter, or articles of association, or other governance document, as the case may be, of each insurer and shall specifically reflect the agreement as a matter to be considered at the meeting.

(3) The agreement of merger so approved shall be submitted to a vote of the shareholders, members, or policyholders, as the case may be, of each insurer entitled to vote in respect thereof at the meeting directed by the resolution of the board of directors of such company approving the agreement, and the agreement shall be unanimously adopted by the shareholders, members, or policyholders, as the case may be.

(4) Following the adoption of the agreement by any insurer, articles of merger shall be adopted in the following manner:

(A) Upon the execution of the agreement of merger by all of the insurers parties thereto, there shall be executed and filed, in the manner hereafter provided, articles of merger setting forth the agreement of merger, the signatures of the several insurers parties thereto, the manner of its adoption, and the vote by which adopted by each insurer.

(B) The articles of merger shall be signed on behalf of each insurer by a duly authorized officer, in such multiple copies as shall be required to enable the insurers to comply with the provisions of this subchapter with respect to filing and recording the articles of merger, and shall then be presented to the Commissioner.

(C) The Commissioner shall approve the articles of merger if he or she finds that the merger will promote the general good of the State in conformity with those standards set forth in section 3305 of this title. If he or she approves the articles of merger, he or she shall issue a certificate of approval of merger.

(5) The insurer shall file the articles of merger, accompanied by the agreement of merger and the certificate of approval of merger, with the Secretary of State and pay all fees as required by law. If the Secretary of State finds that they conform to law, he or she shall issue a certificate of merger and return it to the surviving insurer or its representatives. The merger shall take effect upon the filing of articles of merger with the Secretary of State, unless a later effective date is specified therein.

(6) The surviving insurer shall file a copy of the certificate of merger from the Secretary of State with the Commissioner.

(b) When such merger or consolidation has been effected as provided in this section:

(1) The several insurers parties to the agreement of merger shall be a single captive insurance company that shall be the surviving insurer a party to the agreement of merger into which it has been agreed the other insurers parties to the agreement shall be merged, which surviving insurer shall survive the merger.

(2) The separate existence of all of the insurers parties to the agreement of merger, except the surviving captive insurance company, shall cease.

(3) The single captive insurance company shall have all of the rights, privileges, immunities, and powers and shall be subject to all of the duties and liabilities of a captive insurance company organized under this chapter.

(4) The single captive insurance company shall possess all the rights, privileges, immunities, powers, and franchises of a public as well as of a private nature of each of the insurers so merged; and all property, real, personal, and mixed, and all debts due on whatever account, including subscriptions to shares of capital stock, and all other choses in action and all and every other interest, of or belonging to or due to each of the insurers so merged shall be taken and deemed to be transferred to and vested in such single captive insurance company without further act or deed; and the title to any real estate, or any interest therein, under the laws of this State vested in any such insurers shall not revert or be in any way impaired by reason of the merger.

(5) The single captive insurance company shall be responsible and liable for all the liabilities and obligations of each of the insurers so merged in the same manner and to the same extent as if the single insurer had itself incurred the same or contracted therefor; and any claim existing or action or proceeding pending by or against any of the insurers may be prosecuted to judgment as if the merger had not taken place. Neither the rights of creditors nor any liens upon the property of any insurers shall be impaired by the merger, but such liens shall be limited to the property upon which they were liens immediately prior to the time of the merger unless otherwise provided in the agreement of merger.

(6) The articles of association or other governing document of the surviving captive insurance company shall be supplanted and superseded to the extent, if any, that any provision or provisions of the articles are restated in the agreement of merger as provided in subsection (a) of this section, and such articles of association or other governing document shall be deemed to be thereby and to that extent amended.

(c)(1) In the case of a merger between a domestic and a foreign or alien insurer, the articles of merger shall be regarded as executed by the proper officers of said foreign or alien insurer when such officers are duly authorized to execute same through such action on the part of the directors, shareholders, members, or policyholders, as the case may be, of said foreign or alien insurer as may be required by the laws of the state where the same is incorporated, and upon execution, the articles of merger shall be submitted to the Insurance Commissioner or other officer at the head of the insurance department of the

jurisdiction where such foreign or alien insurer is domiciled. No merger shall take effect until it has been approved by the insurance official of the jurisdiction where the foreign or alien insurer is domiciled nor until a certificate of his or her approval has been filed with the Commissioner, provided that such submission to and approval by the proper official of the other jurisdiction shall not be required unless the same are required by the laws of the foreign or alien jurisdiction. Provided, further, that the domestic captive insurance company involved in the merger shall not through anything contained in this section be relieved of any of the procedural requirements enumerated elsewhere in this section.

(2) A merger between a domestic and a foreign or alien captive insurance company shall not take effect unless and until the surviving captive insurance company, if such is a foreign or alien insurer, files with the Commissioner a power of attorney appointing the Commissioner the attorney for service of the foreign or alien insurer, upon whom all lawful process against the insurers may be served. Said power of attorney shall be irrevocable if the foreign or alien insurer has outstanding in this State any contract of insurance, or other obligation whatsoever, and shall by its terms so provide. Service upon the Commissioner shall be deemed sufficient service upon the insurer.

Sec. 28. 8 V.S.A. § 6006b is added to read:

§ 6006b. REDOMESTICATION

(a) Any foreign or alien insurer that qualifies for licensure as a captive insurance company in this State may redomesticate to this State by complying with all of the requirements of law relative to the organization and licensing of a captive insurance company and by filing with the Secretary of State its articles of association, charter, or other organization document, together with appropriate amendments thereto adopted in accordance with the laws of this State bringing such articles of association, charter, or other organizational document into compliance with the laws of this State, along with a certificate of general good issued by the Commissioner and a filing fee per section 3440 of this title. An insurer becoming a domestic captive insurance company through this redomestication process shall pay to the Commissioner such fees as would otherwise be payable by a captive insurance company organizing and becoming licensed or transacting business in this State. The Commissioner may issue a conditional license prior to the effective date of the redomestication in order to facilitate the transaction and provide notice of approval of the transaction to the outgoing jurisdiction. The domestic insurer shall be entitled to the necessary or appropriate certificates and licenses to continue its business and to transact business in this State and shall be subject

to the authority and jurisdiction of this State. No insurer redomesticating into this State as a captive insurance company need merge, consolidate, transfer assets, or otherwise engage in any other reorganization, other than as specified in this section.

(b) Upon the approval of and compliance with such conditions as may be imposed by the Commissioner, any captive insurance company may transfer its domicile, in accordance with the laws thereof, to any other state or jurisdiction and upon such a transfer shall cease to be a domestic captive insurance company, and its corporate or other legal existence in this State shall cease upon the filing of articles of redomestication with the Secretary of State, or upon such later date if a delayed effective date is specified in the articles of redomestication, accompanied by a certificate of approval of redomestication issued by the Commissioner and proof of acceptance of the insurer by the Secretary of State or analogous officer of the jurisdiction to which the captive insurance company is redomesticating, and upon payment to the Secretary of State of a filing fee per section 3438 of this title. Said articles of redomestication shall contain, at a minimum, the following information:

(1) the name, organizational form, date of formation, and jurisdiction of formation of the redomesticating entity;

(2) the jurisdiction to which the redomesticating entity will be transferring its domicile and its name following the redomestication date;

(3) the registered office and agent of the redomesticating entity following the redomestication date; and

(4) a statement that the redomestication has been approved by the appropriate vote of the shareholders or other owners of the redomesticating entity.

(c) Upon redomestication in accordance with this section, the foreign or alien insurer shall become a captive insurance company organized under the laws of this State and have all the rights, privileges, immunities, and powers, and be subject to all applicable laws, duties, and liabilities, of domestic insurers of the same type. Such captive insurance company shall possess all rights that obtained prior to the redomestication to the extent permitted by the laws of this State and shall be responsible and liable for all the liabilities and obligations that obtained prior to the redomestication. The certificate of authority, agents, appointments and licenses, rates, and other items that the Commissioner allows, in his or her discretion, that are in existence at the time any insurer transfers its corporate domicile to this or any other state or jurisdiction by redomestication pursuant to this section shall continue in full force and effect upon such transfer. All outstanding policies of any

transferring insurer shall remain in full force and effect.

Sec. 29. 8 V.S.A. § 6053(1) is amended to read:

(1) Notice of operations and designation of ~~Secretary of State~~ Commissioner as agent. Before offering insurance in this State, a risk retention group shall submit to the Commissioner:

(A) a statement identifying the state or states in which the risk retention group is chartered and licensed as a liability insurance company, charter date, its principal place of business, and such other information, including information on its membership, as the Commissioner of this State may require to verify that the risk retention group is qualified under subdivision 6051(11) of this title;

(B) a copy of its plan of operations and feasibility study and revisions of such plan or study submitted to the state in which the risk retention group is chartered and licensed; provided, however, that the provision relating to the submission of a plan of operation or feasibility study shall not apply with respect to any line or classification of liability insurance which:

(i) was defined in the Product Liability Risk Retention Act of 1981 before October 27, 1986; and

(ii) was offered before such date by any risk retention group which had been chartered and operating for not less than three years before such date; and

(iii) the risk retention group shall submit a copy of any revision to its plan of operation or feasibility study required by subsection 6052(b) of this title at the time that such revision has become effective in its chartering state; and

(C) a statement of registration, for which a filing fee shall be determined by the Commissioner, which designates the ~~Secretary of State~~ Commissioner as its agent for the purpose of receiving service of legal documents or process.

* * *

Sec. 30. 8 V.S.A. § 6056(b) is amended to read:

(b) The purchasing group shall register with and designate the ~~Secretary of State~~ Commissioner as its agent solely for the purpose of receiving service of legal documents or process, except for any groups exempted under 15 U.S.C. § 3903(e). Service shall be effected in the manner provided in section 3383 of this title.

Sec. 31. 8 V.S.A. chapter 110 is added to read:

CHAPTER 110. DENTAL INSURANCE

§ 4121. DEFINITIONS

As used in this chapter:

(1) “Covered individual” means an individual covered under a dental insurance plan or a health insurance plan.

(2) “Covered service” means a dental service for which reimbursement is available under a covered individual’s dental insurance plan or health insurance plan or for which reimbursement would be available but for the application of contractual limitations such as deductibles, co-payments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or other limitations.

(3) “Dental insurance plan” means a stand-alone dental plan or policy that provides coverage for dental services separately from a health insurance plan.

(4) “Dental insurer” means any health or dental insurance company, including a nonprofit dental service corporation, that offers a dental insurance plan for sale.

(5) “Dentist” means an individual licensed to practice dentistry under 26 V.S.A. chapter 12.

(6) “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. The term does not include benefit plans providing coverage for a specific disease or other limited benefit coverage.

(7) “Health insurer” has the same meaning as in 18 V.S.A. § 9402.

§ 4122. FEES FOR COVERED DENTAL SERVICES

(a) No dental insurer, health insurer, or other similar entity that covers dental services and is subject to regulation by the Department of Financial Regulation, and no contract or participating provider agreement with a dentist, shall require, directly or indirectly, that a dentist who is a participating provider provide dental services to a covered individual at a fee set by, or subject to the approval of, the insurer or other regulated entity unless the dental services are covered services.

(b) No person providing third-party administrator services shall make available to any customers a plan that sets dental fees for providers in its provider network for any dental services other than covered services.

(c) Fees for covered services shall be set in good faith and shall not be nominal.

(d) The Commissioner of Financial Regulation shall enforce the provisions of this section pursuant to the Commissioner's authority under this title.

Sec. 32. 18 V.S.A. § 9422 is added to read:

§ 9422. CREDIT CARD PAYMENTS OPTIONAL FOR PROVIDERS

(a) As used in this section:

(1) "Credit card payment" means a type of electronic funds transfer in which a health insurer or its contracted vendor issues a single-use series of numbers associated with payment for health care services delivered by a health care provider and chargeable for a predetermined dollar amount and in which the health care provider is responsible for processing the payment using a credit card terminal or Internet portal. The term includes virtual or online credit card payments in which no physical credit card is presented to the health care provider and the single-use credit card number expires upon payment processing.

(2) "Health care provider" has the same meaning as in section 9402 of this title.

(3) "Health insurer" means an insurance company that provides health insurance as defined in 8 V.S.A. § 3301(a)(2), a nonprofit hospital or medical service corporation, a managed care organization, a health maintenance organization, and, to the extent permitted under federal law, any administrator of an insured, self-insured, or publicly funded health care benefit plan offered by a public or private entity, as well as any entity offering a policy for specific disease, accident, injury, hospital indemnity, dental care, disability income, long-term care, or other limited benefit coverage.

(b) A health insurer or its contracted vendor shall not require a health care provider, including a dentist or ambulance service provider, to accept reimbursement by credit card payment unless the health care provider has affirmatively elected to receive payments in this manner. If a health care provider, including a dentist or ambulance service provider, does not affirmatively elect to receive reimbursement by credit card payment, the health insurer or its contracted vendor shall make payments to the provider in another manner.

Sec. 33. 8 V.S.A. § 3750(d)(1)(C)(iii) is amended to read:

(iii) Where the resulting interest rate is not less than ~~one~~ 0.15 percent.

Sec. 33a. REPORT; MINIMUM NONFORFEITURE INTEREST RATE

On or before January 15, 2022, the Commissioner of Financial Regulation shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Finance a report containing his or her findings and recommendations regarding Sec. 33 of this act, which decreases the current statutory minimum nonforfeiture interest rate applicable to individual deferred annuities from 1 percent to 0.15 percent.

Sec. 34. SEPARATING THE INDIVIDUAL AND SMALL GROUP HEALTH INSURANCE MARKETS FOR PLAN YEAR 2022

(a) Purpose. The purpose of this section is to allow for separate individual and small group health insurance markets for plan year 2022 in light of the increased opportunities for federal premium assistance available through the American Rescue Plan Act of 2021, Pub. L. No. 117-2, to eligible households purchasing qualified health benefit plans in the individual market.

(b) Definitions. As used in this section, “health benefit plan,” “registered carrier,” and “small employer” have the same meanings as in 33 V.S.A. § 1811.

(c) Separate plans and community rating. Notwithstanding any provision of 33 V.S.A. § 1811 to the contrary, for plan year 2022, a registered carrier shall:

(1) offer separate health benefit plans to individuals and families in the individual market and to small employers in the small group market;

(2) apply community rating in accordance with 33 V.S.A. § 1811(f) to determine the premiums for the carrier’s plan year 2022 individual market plans separately from the premiums for its small group market plans; and

(3) file premium rates with the Green Mountain Care Board pursuant to 8 V.S.A. § 4062 separately for the carrier’s individual market and small group market plans.

Sec. 35. EFFECTIVE DATES; APPLICATION

This act shall take effect on passage, except that:

(1) Sec. 31 (8 V.S.A. chapter 110; dental insurance) shall take effect on January 1, 2022 and shall apply to all contracts and participating provider agreements between a dental insurer or third-party administrator and a dentist

that are entered into on or after that date and to all dental insurance plans issued on and after January 1, 2022 on such date as a dental insurer offers, issues, or renews the plan, but in no event later than January 1, 2023;

(2) Sec. 32 (18 V.S.A. § 9422; credit card payments optional for providers) shall take effect on January 1, 2022; and

(3) Sec. 33 (8 V.S.A. § 3750(d)(1)(C)(iii); minimum nonforfeiture interest rate for individual deferred annuities) shall take effect on July 1, 2022.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senators Hardy, Bray, Brock, Cummings, MacDonald and Pearson moved that the Senate concur in the House proposal of amendment with an amendment as follows:

First: By striking out Sec. 33 in its entirety and inserting in lieu thereof a new Sec. 33 to read as follows:

Sec. 33. REPORT; MINIMUM NONFORFEITURE INTEREST RATE

On or before January 15, 2022, the Commissioner of Financial Regulation shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Finance a report containing his or her findings and recommendations on whether to decrease the statutory minimum nonforfeiture interest rate applicable to individual deferred annuities under 8 V.S.A. § 3750(d)(1)(C)(iii) from one percent to 0.15 percent.

Second: By striking out Sec. 33a in its entirety and inserting the following:

Sec. 33a. [Deleted]

Third: By striking out Sec. 35 in its entirety and inserting in lieu thereof a new section Sec. 35 to read as follows:

Sec. 35. EFFECTIVE DATES; APPLICATION

This act shall take effect on passage, except that:

(1) Sec. 31 (8 V.S.A. chapter 110; dental insurance) shall take effect on January 1, 2022 and shall apply to all contracts and participating provider agreements between a dental insurer or third-party administrator and a dentist that are entered into on or after that date and to all dental insurance plans issued on and after January 1, 2022 on such date as a dental insurer offers, issues, or renews the plan, but in no event later than January 1, 2023; and

(2) Sec. 32 (18 V.S.A. § 9422; credit card payments optional for providers) shall take effect on January 1, 2022.

Which was agreed to.

Bill Passed in Concurrence with Proposal of Amendment**H. 18.**

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

An act relating to sexual exploitation of children.

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 28, 2021.

WEDNESDAY, APRIL 28, 2021

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. 59

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

Madam President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 265. An act relating to the Office of the Child, Youth, and Family Advocate.

H. 446. An act relating to miscellaneous natural resources and development subjects.

H. 449. An act relating to the membership and duties of the Vermont Pension Investment Commission and the creation of the Pension Benefits, Design, and Funding Task Force.

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

Rules Suspended; Bill Referred to Committee on Appropriations**H. 433.**

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

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

Was taken up for immediate consideration.

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

Bills Introduced

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

S. 145.

By Senator Campion,

An act relating to permitting municipalities to regulate open carrying of firearms.

To the Committee on Judiciary.

S. 146.

By Senators Perchlik, Chittenden, Hardy, Hooker, Lyons and Pearson,

An act relating to space heating systems owned or controlled by the State.

To the Committee on Institutions.

Bills Referred

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

H. 265.

An act relating to the Office of the Child, Youth, and Family Advocate.

To the Committee on Rules.

H. 446.

An act relating to miscellaneous natural resources and development subjects.

To the Committee on Rules.

H. 449.

An act relating to the membership and duties of the Vermont Pension Investment Commission and the creation of the Pension Benefits, Design, and Funding Task Force.

To the Committee on Rules.

Third Reading Ordered**H. 89.**

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

An act relating to limiting liability for agritourism.

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.

Proposal of Amendment; Third Reading Ordered**H. 46.**

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

An act relating to miscellaneous provisions of mental health law.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 18 V.S.A. § 7503 is amended to read:

§ 7503. APPLICATION FOR VOLUNTARY ADMISSION

* * *

(b) Before the person may be admitted as a voluntary patient, ~~he or she~~ the person shall give ~~his or her~~ consent in writing on a form adopted by the Department. The consent shall include a representation that:

(1) the person understands that ~~his or her~~ treatment will involve inpatient status;

(2) ~~that he or she~~ the person desires to be admitted to the hospital, ~~and;~~

(3) ~~that he or she~~ the person consents to admission voluntarily, without any coercion or duress; ~~and~~

(4) the person understands that inpatient treatment may be on a locked unit and a requested discharge may be deferred if the treating physician determines that the person is a person in need of treatment pursuant to section 7101 of this title.

* * *

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

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

Proposal of Amendment; Third Reading Ordered

H. 104.

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

An act relating to considerations in facilitating the interstate practice of health care professionals using telehealth.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, Facilitation of Interstate Practice Using Telehealth Working Group; report, in subsection (b), by inserting a new subdivision to be subdivision (5) to read as follows:

(5) the Commissioner of Mental Health or designee;

And by renumbering the remaining subdivisions to be numerically correct.

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

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

Proposal of Amendment; Third Reading Ordered

H. 108.

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

An act relating to Vermont standards for issuing a Clean Water Act section 401 certification.

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

Sec. 1. 10 V.S.A. § 1253(h) is added to read:

(h)(1) The Secretary shall administer a Clean Water Act Section 401 certification program to review activities that require a federal license or permit to ensure that a proposed activity complies with the Vermont Water

Quality Standards, as well as with any other appropriate requirement of State law, including:

(A) 10 V.S.A. chapter 37 (wetlands protection and water resources management);

(B) 10 V.S.A. chapter 41 (regulation of stream flow);

(C) 10 V.S.A. § 1264 (stormwater management);

(D) 29 V.S.A. chapter 11 (management of lakes and ponds); and

(E) the Agency of Natural Resources Rules for Water Withdrawals for Snowmaking.

(2) The Secretary of Natural Resources shall not grant an application for certification under Section 401 of the Clean Water Act unless the applicant demonstrates all of the following:

(A) there is no practicable alternative to the proposed activity that would have a less adverse impact on waters and wetlands of the State and provided that any proposed alternative shall not have other significant adverse human health, safety, or environmental consequences;

(B) the proposed activity will not result in the violation of any applicable water quality criteria established in the Vermont Water Quality Standards; and

(C) the proposed activity will not result in a violation of the State's antidegradation policy.

(3)(A) An alternative is considered practicable under subdivision (2)(A) of this subsection (h) if it is available and capable of being completed after taking into consideration cost, existing technology, and logistics in light of overall purposes of the proposed activity.

(B) Failure to comply with the requirements of subdivision (2)(A) of this subsection (h) shall not be the basis for denial of an application for a certification under Section 401 of the Clean Water Act if the proposed activity is exempt from those requirements under a rule adopted by the Secretary.

(4) The Secretary may issue a certification required by this subsection to any general permit or authorization issued by a federal agency. An applicant's compliance with that federal permit or authorization shall be presumed to be in compliance with the certification unless the Secretary determines that an individual review of the applicant's activity is necessary to assure compliance with the Vermont Water Quality Standards and other appropriate State laws.

Sec. 2. AGENCY OF NATURAL RESOURCES; VERMONT WATER QUALITY STANDARDS; RULEMAKING

The Secretary of Natural Resources shall amend the Vermont Water Quality Standards (VWQS) to include the following:

(1) An amendment to the Classification of State Waters to clarify that with regard to all Class I and II wetlands, as defined in 10 V.S.A. § 902, the uses to be protected include the functions and values of the wetland as described in Section 5 of the Vermont Wetland Rules.

(2) An amendment to the antidegradation policy to clarify that wetlands and their functions and values shall be protected as described by the Vermont Wetland Rules.

(3) Any additional provisions that the Secretary of Natural Resources determines are necessary to implement the requirements of 10 V.S.A. § 1253(h), including any exemptions to the requirements of 10 V.S.A. § 1253(h)(2)(A) for projects that are not likely to have significant impacts on water quality or wetland functions or values. Railroad projects or State or municipal road or highway projects shall be exempt from the requirements of 10 V.S.A. § 1253(h)(2)(A).

Sec. 3. RULEMAKING IMPLEMENTATION; TIMING

(a) The Secretary of Natural Resources shall file with the Secretary of State under 3 V.S.A. § 838 a copy of the proposed rules required by Sec. 2 of this act within 90 days following the effective date of this act.

(b) On or before January 15, 2022, the Secretary of Natural Resources shall submit to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy a report regarding the status of the rulemaking required by Sec. 2 of this act. The report shall include a draft of the rules.

(c) On or before March 1, 2022, the Secretary of Natural Resources shall file with the Secretary of State under 3 V.S.A. § 841 a final proposal of the rules required by Sec. 2 of this act.

Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 2 and 3, VWQS rulemaking, shall take effect on passage.

(b) Sec. 1, certification program, shall take effect on the effective date of the rules required to be adopted under Sec. 2.

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

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

House Proposal of Amendment Concurred In

S. 45.

House proposal of amendment to Senate bill entitled:

An act relating to earned discharge from probation.

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. 28 V.S.A. § 200 is added to read:

§ 200. PURPOSE OF PROBATION

It is the policy of this State that the purpose of probation is to rehabilitate offenders, reduce the risk that they will commit a subsequent offense, and protect the safety of the victim and the community.

Sec. 2. 28 V.S.A. § 205(b) is amended to read:

(b)(1) At or before the sentencing hearing, the prosecutor's office shall inform the victim of the mid-point review process for probationers, and that the defendant may be eligible for early discharge from probation pursuant to sections 251 and 252 of this title.

(2) The victim of a listed crime as defined in 13 V.S.A. § 5301(7) for which the offender has been placed on probation shall have the right to request and receive from the Department of Corrections information regarding the offender's general compliance with the specific conditions of probation. Nothing in this section shall require the Department of Corrections to disclose any confidential information revealed by the offender in connection with participation in a treatment program.

Sec. 3. 28 V.S.A. § 251 is amended to read:

§ 251. DURATION OF PROBATION

(a) The court placing a person on probation may terminate the period of probation and discharge the person at any time if such termination is warranted by the conduct of the offender and the ends of justice.

(b)(1) Upon the Commissioner's motion to discharge pursuant to subsection 252(d) of this title, the sentencing court shall terminate the period of probation and discharge the person at the midpoint of the probation term

unless the prosecutor seeks a continuation of probation within 21 days of receipt of notice of the Commissioner's motion; and

(A) the court finds by a preponderance of the evidence that termination and discharge will present a risk of danger to the victim of the offense or to the community; or

(B) the court finds by clear and convincing evidence that the probationer is not substantially in compliance with the conditions of probation that are related to the probationer's rehabilitation or to victim or community safety.

(2) If the court grants the prosecutor's motion to continue probation, it may continue probation for the full term or any portion thereof. The court shall also review the conditions of probation and remove any conditions that are no longer necessary for the remainder of the term.

(c) A probationer shall not be deemed ineligible for discharge or term reduction due to unpaid restitution, fees, or surcharges.

Sec. 4. 28 V.S.A. § 252 is amended to read:

§ 252. CONDITIONS OF PROBATION AND MIDPOINT REVIEW

(a) Conditions, generally. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the offender will lead a law-abiding life or to assist the offender to do so. The court shall provide as an explicit condition of every sentence to probation that if the offender is convicted of another offense during the period for which the sentence remains subject to revocation, then the court may impose revocation of the offender's probation.

(b) Probation conditions. When imposing a sentence of probation, the court may, as a condition of probation, require that the offender:

* * *

(c) Certificate. When an offender is placed on probation, he or she shall be given a certificate explicitly setting forth the conditions upon which he or she is being released.

(d) Review and recommendation for discharge.

(1) The Commissioner shall review the record of each probationer serving a specified term during the month prior to the midpoint of that probationer's specified term and ~~may~~ shall file a motion requesting the sentencing court to dismiss the probationer from probation ~~or deduct a portion of the specified term from the period of probation~~ if the offender:

(A) has successfully completed a program or has attained a goal or goals specified by the conditions of probation not been found by the court to have violated the conditions of probation in the six months prior to the review;

(B) is not serving a sentence for committing a crime specified in 13 V.S.A. chapter 19, subchapters 6 and 7; 13 V.S.A. chapter 72, subchapter 1; or 13 V.S.A. § 2602; and

(C) has completed those rehabilitative or risk reduction services required as a condition of probation which have a duration that is set and knowable at the outset of probation.

~~The Commissioner may include in the motion a request that the court deduct a portion of the specified term for each condition completed or goal attained. Any motion under this section shall be made pursuant to a rule adopted by the Commissioner under 3 V.S.A. chapter 25 that shall provide that the decision to make or refrain from making a motion shall be made at the sole discretion of the Commissioner and shall not be subject to appeal.~~

(2) If the probationer does not meet the criteria set forth in subdivision (1) of this subsection, or if the court denies the Commissioner's motion to discharge, the Commissioner shall file a motion requesting the sentencing court to discharge the probation term once the probationer meets the criteria set forth in subdivision (1) of this subsection.

(3) The prosecutor shall make a reasonable effort to notify any victim of record of a motion filed to reduce a probationer's term pursuant to this subsection. "Reasonable effort" means attempting to contact the victim by first-class mail at the victim's last known address and by telephone at the victim's last known phone number.

Sec. 5. DEPARTMENT OF CORRECTIONS; PROBATION MIDPOINT REVIEW; REPORT

(a) Beginning on July 1, 2021, the Department of Corrections shall collect the following data regarding the probation midpoint review process:

(1) the number of probation discharge or probation term reduction motions filed by the Department;

(2) the number of probation terms that were reduced or terminated pursuant to this Act; and

(3) the amount of time reduced from probation terms as a result of probation term reduction motions granted by the court.

(b) On or before August 1, 2022 and August 1, 2023, the Department shall report to the Joint Legislative Justice Oversight Committee with the data

collected pursuant to this section and any recommendations for further legislative action to improve the probation midpoint review process.

Sec. 6. SENTENCING COMMISSION; PROBATION TERMS FOR MISDEMEANORS

During the 2021 legislative interim, the Vermont Sentencing Commission shall review 28 V.S.A. § 205 and the December 3, 2020 report of the Pew Charitable Trusts, “States Can Shorten Probation and Protect Public Safety,” and consider whether Vermont should limit the duration of probation terms for misdemeanor offenses to two years. On or before October 1, 2021, the Commission shall issue its recommendation pursuant to this section to the Joint Legislative Justice Oversight Committee.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

Bill Called Up

S. 100.

Senate bill of the following title was called up by Senator Balint, and, under the rule, placed on the Calendar for action tomorrow:

An act relating to universal school breakfast and lunch for all public school students and to creating incentives for schools to purchase locally produced foods.

Message from the House No. 60

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

Madam 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. 26. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

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

H. 128. An act relating to limiting criminal defenses based on victim identity.

And has severally concurred therein.

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Thursday, April 29, 2021.

THURSDAY, APRIL 29, 2021

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bills Referred to Committee on Rules

Senate bills of the following titles, appearing on the Calendar for notice, under Temporary Rule 44A, were severally referred to the Committee on Rules:

S. 120. An act relating to the Joint Legislative Health Care Affordability Study Committee.

S. 142. An act relating to designating August 31 as Overdose Awareness Day.

Bill Referred to Committee on Finance

H. 313.

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

An act relating to miscellaneous amendments to alcoholic beverage laws.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 147.

By Senators Ram,

An act relating to language access plans.

To the Committee on Government Operations.

Bills Referred

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

H. 157.

An act relating to registration of construction contractors.

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

H. 449.

An act relating to the membership and duties of the Vermont Pension Investment Commission and the creation of the Pension Benefits, Design, and Funding Task Force.

To the Committee on Government Operations.

Bill Amended; Third Reading Ordered

S. 100.

Senate committee bill entitled:

An act relating to universal school breakfast and lunch for all public school students and to creating incentives for schools to purchase locally produced foods.

Having been called up, was taken up.

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Senator Campion, for the Committee on Education, to which the bill was referred, reported that the bill ought to pass.

Senator Baruth, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. TITLE

This act shall be known as "Meals for All."

* * * Statutory Changes; Universal School Breakfast and Lunch * * *

Sec. 2. 16 V.S.A. chapter 27, subchapter 2 is amended to read:

Subchapter 2. School Food Programs

§ 1261a. DEFINITIONS

As used in this subchapter:

(1) “Food programs” means provision of food to persons under programs meeting standards for assistance under the National School Lunch Act, 42 U.S.C. § 1751 et seq. and in the Child Nutrition Act, 42 U.S.C. § 1779 et seq., each as amended.

(2) “School board” means the governing body of a school district responsible for the administration of a public school.

(3) “Independent school board” means a governing body responsible for the administration of a nonprofit independent school exempt from ~~United~~ States U.S. income taxes.

* * *

§ 1264. FOOD PROGRAM

(a)(1)(A) Each school board operating a public school shall cause to operate ~~within the school district~~ each school in the school district a food program that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending student who qualifies for those meals under these Acts every school day. School districts shall maximize access to federal funds for the cost of the school breakfast and lunch program under the Community Eligibility Provision, Provision 2, or other provisions under these Acts.

(B) In addition, each school board operating a public school shall cause to operate within each school in the school district the same school lunch and the same school breakfast program made available to students who qualify for those meals under the National School Lunch Act and the National Child Nutrition Act, each as amended, to each attending student every school day at no charge.

(C) To the extent that costs are not reimbursed through federal or State funds or other sources, the cost of making available school lunches and breakfasts shall be borne by school districts.

* * *

(3) In operating its school breakfast and lunch program, a school district shall seek to achieve the highest level of student participation, which may include any or all of the following:

(A) providing breakfast meals that can be picked up by students;

(B) making breakfast available to students in classrooms after the start of the school day; and

(C) collaborating with the school's wellness community advisory council, as established under subsection 136(e) of this title, in planning school meals.

(4) Each school district shall request the parent or guardian of each student to complete the Household Income Form provided by the Agency of Education, which is used to determine a family's economic status to determine eligibility for various State and federal programs. This requirement shall not apply if the school district obtains equivalent information through another means.

* * *

(d) It is a goal of the State that by the year ~~2022~~ 2023 school boards operating a school lunch, breakfast, or summer meals program shall purchase at least 20 percent of all food for those programs from local producers.

(e)(1) On or before December 31, 2020 and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall submit to the Agency of Education an estimate of the percentage of the cost of locally produced foods that were purchased by the school board for those programs that were locally produced foods during the one-year period ending on June 30 of that year.

* * *

§ 1265. EXEMPTION; PUBLIC DISCUSSION

~~(a) The school board of a public school district that wishes to be exempt from the provisions of section 1264 of this title may vote at a meeting warned and held for that purpose to exempt itself from the requirement to offer either the school lunch program or the school breakfast program, or both, for a period of one year.~~

~~(b) If a public school is exempt from offering a breakfast or lunch program, its school board shall conduct a discussion annually on whether to continue the exemption. The pending discussion shall be included on the agenda at a regular or special school board meeting publicly noticed in accordance with 1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate in the discussion. The school board shall send a copy of the notice to the Secretary and to the superintendent of the supervisory union at least ten days prior to the meeting. Following the discussion, the school board shall vote on whether to continue the exemption for one additional year.~~

~~(c) On or before the first day of November prior to the date on which an exemption voted under this section is due to expire, the Secretary shall notify~~

~~the boards of the affected school district and supervisory union in writing that the exemption will expire.~~

~~(d) Following a meeting held pursuant to subsection (b) of this section, the school board shall send a copy of the agenda and minutes to the Secretary and the superintendent of the supervisory union.~~

~~(e) The Secretary may grant a supervisory union or a school district a waiver from duties required of it under this subchapter upon a demonstration that the duties would be performed more efficiently and effectively in another manner. [Repealed.]~~

Sec. 3. 16 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

As used in this chapter:

* * *

(6) “Education spending” means the amount of the school district budget, any assessment for a joint contract school, career technical center payments made on behalf of the district under subsection 1561(b) of this title, and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is paid for by the school district, but excluding any portion of the school budget paid for from any other sources such as endowments, parental fundraising, federal funds, nongovernmental grants, or other State funds such as special education funds paid under chapter 101 of this title.

(A) [Repealed.]

(B) For purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12), “education spending” shall not include:

* * *

(xii) Costs incurred by a school district or supervisory union to provide school breakfast and lunch under chapter 27 (transportation and board), subchapter 2 (school food programs) of this title.

* * *

* * * Federal Funds; Data Collection * * *

Sec. 4. 16 V.S.A. § 45 is added to read:

§ 45. FEDERAL FUNDS; DATA COLLECTION

(a) The Secretary of Education shall:

(1) define the term “student poverty” for the purpose of determining qualification for federal funds by school districts;

(2) establish what data should be collected by school districts to qualify for federal funds based on student poverty, the means by which the data should be collected, and the frequency of collection; and

(3) determine how this data shall be reported to the Agency of Education by school districts and the frequency of reporting.

(b) School districts shall collect data that is necessary to qualify for federal funds based on student poverty and report this data to the Agency of Education in accordance with subsection (a) of this section.

* * * Session Law; Universal School Breakfast and Lunch * * *

Sec. 5. SCHOOL MEALS CONSUMED DURING CLASS

A school district shall count time spent by students consuming school meals during class as instructional time.

Sec. 6. TRANSITION

On or before July 1, 2026, each school district shall comply with 16 V.S.A. chapter 27, subchapter 2, as amended by this act. Until the date upon which a school district complies with 16 V.S.A. chapter 27, subchapter 2, as amended by this act, 16 V.S.A. chapter 27, subchapter 2, as in effect on June 30, 2021, shall be in effect.

Sec. 7. AGENCY OF EDUCATION; STAFFING

The following two-year, limited-service position is created in the Agency of Education: one full-time, classified position specializing in the administration of school food programs. The position established in this section shall be transferred and converted from an existing vacant position in the Executive Branch of State government. There is appropriated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2, for fiscal year 2022 the amount of \$100,000.00 for salary, benefits, and operating expenses.

* * * Effective Date * * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

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

And that when so amended the bill ought to pass.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Appropriations?, Senators Campion, Chittenden, Hooker, Lyons, Perchlik, Starr, Collamore, Parent, Pearson and Pollina moved to amend the recommendation of the Committee on Appropriations by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Title * * *

Sec. 1. SHORT TITLE

This act may be cited as the “Universal School Breakfast and Creation of the Task Force on Universal School Lunch Act.”

* * * Purpose * * *

Sec. 2. PURPOSE

The purpose of this act is to:

(1) provide universal school breakfast for all public school students at no cost to the students or their families with funding provided to school districts from the Education Fund; and

(2) establish a task force to advise the General Assembly on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families, thereby making school food programs universally available to all public school students at no cost to the students or their families.

* * * Statutory Changes * * *

Sec. 3. 16 V.S.A. chapter 27, subchapter 2 is amended to read:

Subchapter 2. School Food Programs

§ 1261a. DEFINITIONS

As used in this subchapter:

(1) “Food programs” means provision of food to persons under programs meeting standards for assistance under the National School Lunch Act, 42 U.S.C. § 1751 et seq. and in the Child Nutrition Act, 42 U.S.C. § 1779 et seq., each as amended.

(2) “School board” means the governing body of a school district responsible for the administration of a public school.

(3) “Independent school board” means a governing body responsible for the administration of a nonprofit independent school exempt from United States U.S. income taxes.

§ 1262a. AWARD OF GRANTS

* * *

(c)(1) On a quarterly basis, from State funds appropriated to the Agency for this ~~subsection~~ subdivision, the Agency shall award to each supervisory union, independent school board, and approved education program as described in subsection (a) of this section a sum equal to the amount that would have been the student share of the cost of all breakfasts and lunches actually provided in the district during the previous quarter to students eligible for a reduced-price breakfast under the federal school breakfast program and students eligible for a reduced-price lunch under the federal school lunch program.

(2)(A) From State funds appropriated to the Agency for this subdivision (2), the Agency shall reimburse each school district that made available school breakfast to students at no charge under subdivision 1264(a)(1)(B) of this title for the cost of each meal actually provided in the district during the previous quarter that qualifies as a paid breakfast under the federal school breakfast program.

(B) The reimbursement amount shall be a sum equal to the federal reimbursement rate for a free school breakfast less the federal reimbursement rate for a paid school breakfast, using rates identified annually by the Agency of Education from payment levels established annually by the U.S. Department of Agriculture.

* * *

§ 1264. FOOD PROGRAM

(a)(1)(A) Each school board operating a public school shall cause to operate ~~within the school district~~ each school in the school district a food program that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending student who qualifies for those meals under these Acts every school day. School districts shall maximize access to federal funds for the cost of the school breakfast and lunch program under the Community Eligibility Provision, Provision 2, or other provisions under these Acts.

(B) In addition, each school board operating a public school shall cause to operate within each school in the school district the same school breakfast program made available to students who qualify for those meals under the National Child Nutrition Act, as amended, for each attending student every school day at no charge.

(C) In operating its school breakfast program, a school district shall seek to achieve the highest level of student participation, which may include any or all of the following:

(i) providing breakfast meals that can be picked up by students;

(ii) making breakfast available to students in classrooms after the start of the school day; and

(iii) collaborating with the school's wellness community advisory council, as established under subsection 136(e) of this title, in planning school meals.

(D) A school district shall count time spent by students consuming school meals during class as instructional time.

* * *

(d) It is a goal of the State that by the year ~~2022~~ 2023 school boards operating a school lunch, breakfast, or summer meals program shall purchase at least 20 percent of all food for those programs from local producers.

(e)(1) On or before December 31, 2020 and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall submit to the Agency of Education an estimate of the percentage of the cost of locally produced foods that were purchased by the school board for those programs that were locally produced foods during the one-year period ending on June 30 of that year.

* * *

§ 1265. EXEMPTION; PUBLIC DISCUSSION

~~(a) The school board of a public school district that wishes to be exempt from the provisions of section 1264 of this title may vote at a meeting warned and held for that purpose to exempt itself from the requirement to offer either the school lunch program or the school breakfast program, or both, for a period of one year.~~

~~(b) If a public school is exempt from offering a breakfast or lunch program, its school board shall conduct a discussion annually on whether to continue the exemption. The pending discussion shall be included on the agenda at a regular or special school board meeting publicly noticed in accordance with 1 V.S.A. § 312(e), and citizens shall be provided an opportunity to participate in the discussion. The school board shall send a copy of the notice to the Secretary and to the superintendent of the supervisory union at least ten days prior to the meeting. Following the discussion, the school board shall vote on whether to continue the exemption for one~~

~~additional year.~~

~~(c) On or before the first day of November prior to the date on which an exemption voted under this section is due to expire, the Secretary shall notify the boards of the affected school district and supervisory union in writing that the exemption will expire.~~

~~(d) Following a meeting held pursuant to subsection (b) of this section, the school board shall send a copy of the agenda and minutes to the Secretary and the superintendent of the supervisory union.~~

~~(e) The Secretary may grant a supervisory union or a school district a waiver from duties required of it under this subchapter upon a demonstration that the duties would be performed more efficiently and effectively in another manner. [Repealed.]~~

Sec. 4. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

* * *

(b) Monies in the Education Fund shall be used for the following:

* * *

(6) To make payments required under subdivision 1262a(c)(2) of this title for school food programs.

* * *

* * * Session Law * * *

Sec. 5. APPROPRIATION; SCHOOL MEALS

The sum of \$8,000,000.00 is appropriated from the Education Fund for fiscal year 2022 to provide reimbursement for school meals under 16 V.S.A. § 1262a(c)(2).

Sec. 6. AGENCY OF EDUCATION; CONSULTATION; REPORT

The Agency of Education shall consult with school districts, Hunger Free Vermont, the Vermont School Boards Association, the Vermont Superintendents Association, the Vermont Association of School Business Officials, the Vermont Principals' Association, and the School Nutrition Association of Vermont on the impact of this act and, on or before December 15, 2021, shall report to the House and Senate Committees on Education and on Appropriations, the House Committee on Agriculture and Forestry, and the Senate Committee on Agriculture on the status of implementation under this act.

Sec. 7. AGENCY OF EDUCATION; STAFFING

The following position is created in the Agency of Education: one full-time, classified position specializing in the administration of school food programs. The position established in this section shall be transferred and converted from an existing vacant position in the Executive Branch of State government. There is appropriated to the Agency of Education from the General Fund for fiscal year 2022 the amount of \$100,000.00 for salary, benefits, and operating expenses.

Sec. 8. TASK FORCE ON UNIVERSAL SCHOOL LUNCH; REPORT

(a) Creation. There is created the Task Force on Universal School Lunch. The Task Force shall make recommendations on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families.

(b) Membership. The Task Force shall be composed of the:

- (1) Secretary of Education or designee;
- (2) Secretary of Human Services or designee; and
- (3) Secretary of Agriculture or designee.

(c) Powers and duties. The Task Force shall make recommendations on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families and shall perform the following tasks:

- (1) recommend funding sources for universal school lunch;
- (2) recommend what data should be collected by local education agencies, school districts, and schools to qualify for federal funds based on student poverty, the means by which the data should be collected, the frequency of collection, and how this data should be reported to the Agency of Education and the frequency of this reporting;
- (3) consider how other states offer and fund universal school meals at no cost to students or their families; and
- (4) meet with Vermont’s federal delegation to discuss what changes could be made to federal law and regulations to more readily facilitate universal school meals.

(d) Collaboration. In performing its duties under this section, the Task Force shall collaborate with Hunger Free Vermont, the School Nutrition Association of Vermont, the Vermont Superintendents Association, the Vermont School Boards Association, the Vermont Council of Special

Education Administrators, the Vermont Principals' Association, and the Vermont-National Education Association.

(e) Report. On or before January 15, 2022, the Task Force shall submit a written report to the House and Senate Committees on Education and on Appropriations, the House Committee on Agriculture and Forestry, and the Senate Committee on Agriculture with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Task Force to occur on or before October 10, 2021.

(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 meet not more than eight times.

(5) The Task Force shall expire on January 16, 2022.

(g) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

An act relating to universal school breakfast and the creation of the Task Force on Universal School Lunch.

Which was agreed to.

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

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered

H. 439.

Senator Kitchel, for the Committee on Appropriations, to which was referred House bill entitled:

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

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

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2022 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 2022. 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, 2021. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2022 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 2022.

(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, 2022.

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 2022, 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 2022, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2021 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(11), shall not be increased during fiscal year 2022 except for new positions authorized by the 2021 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 C sections contain any amendments to the current fiscal year, the D sections contain fund transfers and reserve allocations for the upcoming budget year, the F sections contain Pay Act provisions and the G sections contain provisions to the American Rescue Plan Act – Coronavirus Relief Fund expenditures and other related funding.

Sec. B.100 Secretary of administration - secretary's office

| | |
|--------------------|----------------|
| Personal services | 1,400,682 |
| Operating expenses | 104,476 |
| Grants | <u>125,000</u> |

| | |
|---|------------------|
| Total | 1,630,158 |
| Source of funds | |
| General fund | 1,121,847 |
| Special funds | 156,000 |
| Internal service funds | 173,452 |
| Interdepartmental transfers | <u>178,859</u> |
| Total | 1,630,158 |
| Sec. B.101 Secretary of administration - finance | |
| Personal services | 1,201,006 |
| Operating expenses | <u>111,676</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 | 857,369 |
| Operating expenses | <u>118,051</u> |
| Total | 975,420 |
| Source of funds | |
| Internal service funds | <u>975,420</u> |
| Total | 975,420 |
| Sec. B.103 Secretary of administration - general liability insurance | |
| Personal services | 595,683 |
| Operating expenses | <u>43,858</u> |
| Total | 639,541 |
| Source of funds | |
| Internal service funds | <u>639,541</u> |
| Total | 639,541 |
| Sec. B.104 Secretary of administration - all other insurance | |
| Personal services | 100,000 |
| Operating expenses | <u>17,643</u> |
| Total | 117,643 |
| Source of funds | |
| Internal service funds | <u>117,643</u> |
| Total | 117,643 |
| Sec. B.105 Agency of digital services - communications and information technology | |
| Personal services | 56,068,290 |

| | |
|---|-------------------|
| Operating expenses | <u>27,848,442</u> |
| Total | 83,916,732 |
| Source of funds | |
| General fund | 174,342 |
| Special funds | 387,710 |
| Internal service funds | <u>83,354,680</u> |
| Total | 83,916,732 |
| Sec. B.106 Finance and management - budget and management | |
| Personal services | 1,546,300 |
| Operating expenses | <u>326,217</u> |
| Total | 1,872,517 |
| Source of funds | |
| General fund | 1,277,150 |
| Internal service funds | <u>595,367</u> |
| Total | 1,872,517 |
| Sec. B.107 Finance and management - financial operations | |
| Personal services | 2,148,578 |
| Operating expenses | <u>701,465</u> |
| Total | 2,850,043 |
| Source of funds | |
| Internal service funds | <u>2,850,043</u> |
| Total | 2,850,043 |
| Sec. B.108 Human resources - operations | |
| Personal services | 8,799,075 |
| Operating expenses | <u>1,287,313</u> |
| Total | 10,086,388 |
| Source of funds | |
| General fund | 2,044,399 |
| Special funds | 263,589 |
| Internal service funds | 7,334,516 |
| Interdepartmental transfers | <u>443,884</u> |
| Total | 10,086,388 |
| Sec. B.108.1 Human resources - VTHR operations | |
| Personal services | 1,666,791 |
| Operating expenses | <u>705,383</u> |
| Total | 2,372,174 |
| Source of funds | |
| Internal service funds | <u>2,372,174</u> |
| Total | 2,372,174 |

Sec. B.109 Human resources - employee benefits & wellness

| | |
|------------------------|------------------|
| Personal services | 984,701 |
| Operating expenses | <u>571,628</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 | 2,148,542 |
| Operating expenses | 902,085 |
| Grants | <u>207,795</u> |
| Total | 3,258,422 |
| Source of funds | |
| General fund | 1,965,363 |
| Special funds | 34,327 |
| Federal funds | 1,150,041 |
| Interdepartmental transfers | <u>108,691</u> |
| Total | 3,258,422 |

Sec. B.111 Tax - administration/collection

| | |
|-----------------------------|------------------|
| Personal services | 16,359,596 |
| Operating expenses | <u>6,063,586</u> |
| Total | 22,423,182 |
| Source of funds | |
| General fund | 20,382,265 |
| Special funds | 2,006,808 |
| Interdepartmental transfers | <u>34,109</u> |
| Total | 22,423,182 |

Sec. B.112 Buildings and general services - administration

| | |
|-----------------------------|----------------|
| Personal services | 715,251 |
| Operating expenses | <u>104,757</u> |
| Total | 820,008 |
| Source of funds | |
| Interdepartmental transfers | <u>820,008</u> |
| Total | 820,008 |

Sec. B.113 Buildings and general services - engineering

| | |
|--------------------|------------------|
| Personal services | 2,627,067 |
| Operating expenses | <u>1,497,407</u> |
| Total | 4,124,474 |

| | |
|---|------------------|
| Source of funds | |
| Interdepartmental transfers | <u>4,124,474</u> |
| Total | 4,124,474 |
| Sec. B.114 Buildings and general services - information centers | |
| Personal services | 2,830,882 |
| Operating expenses | <u>2,211,147</u> |
| Total | 5,042,029 |
| Source of funds | |
| General fund | 630,652 |
| Transportation fund | 3,911,594 |
| Special funds | <u>499,783</u> |
| Total | 5,042,029 |
| Sec. B.115 Buildings and general services - purchasing | |
| Personal services | 1,029,319 |
| Operating expenses | <u>211,360</u> |
| Total | 1,240,679 |
| Source of funds | |
| General fund | <u>1,240,679</u> |
| Total | 1,240,679 |
| Sec. B.116 Buildings and general services - postal services | |
| Personal services | 677,141 |
| Operating expenses | <u>247,846</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 | 763,585 |
| Operating expenses | <u>173,362</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 | 693,313 |
| Operating expenses | <u>242,645</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 | 303,458 |
| Operating expenses | <u>124,052</u> |
| Total | 427,510 |
| Source of funds | |
| Internal service funds | <u>427,510</u> |
| Total | 427,510 |
| Sec. B.121 Buildings and general services - property management | |
| Personal services | 1,310,767 |
| Operating expenses | <u>486,368</u> |
| Total | 1,797,135 |
| Source of funds | |
| Internal service funds | <u>1,797,135</u> |
| Total | 1,797,135 |
| Sec. B.122 Buildings and general services - fee for space | |
| Personal services | 15,866,280 |
| Operating expenses | <u>13,699,234</u> |
| Total | 29,565,514 |
| Source of funds | |
| Internal service funds | <u>29,565,514</u> |
| Total | 29,565,514 |
| Sec. B.124 Executive office - governor's office | |
| Personal services | 1,394,981 |
| Operating expenses | <u>475,012</u> |
| Total | 1,869,993 |
| Source of funds | |
| General fund | 1,672,493 |
| Interdepartmental transfers | <u>197,500</u> |
| Total | 1,869,993 |

| | |
|---|------------------|
| Sec. B.125 Legislative counsel | |
| Personal services | 3,149,408 |
| Operating expenses | <u>250,828</u> |
| Total | 3,400,236 |
| Source of funds | |
| General fund | <u>3,400,236</u> |
| Total | 3,400,236 |
| Sec. B.126 Legislature | |
| Personal services | 5,033,474 |
| Operating expenses | <u>3,768,163</u> |
| Total | 8,801,637 |
| Source of funds | |
| General fund | <u>8,801,637</u> |
| Total | 8,801,637 |
| Sec. B.126.1 Legislative information technology | |
| Personal services | 1,028,974 |
| Operating expenses | <u>562,941</u> |
| Total | 1,591,915 |
| Source of funds | |
| General fund | <u>1,591,915</u> |
| Total | 1,591,915 |
| Sec. B.127 Joint fiscal committee | |
| Personal services | 2,288,387 |
| Operating expenses | <u>158,873</u> |
| Total | 2,447,260 |
| Source of funds | |
| General fund | 2,322,260 |
| Interdepartmental transfers | <u>125,000</u> |
| Total | 2,447,260 |
| Sec. B.128 Sergeant at arms | |
| Personal services | 954,232 |
| Operating expenses | <u>113,792</u> |
| Total | 1,068,024 |
| Source of funds | |
| General fund | <u>1,068,024</u> |
| Total | 1,068,024 |

| | |
|---|------------------|
| Sec. B.129 Lieutenant governor | |
| Personal services | 200,056 |
| Operating expenses | <u>39,473</u> |
| Total | 239,529 |
| Source of funds | |
| General fund | <u>239,529</u> |
| Total | 239,529 |
| Sec. B.130 Auditor of accounts | |
| Personal services | 3,965,350 |
| Operating expenses | <u>155,226</u> |
| Total | 4,120,576 |
| Source of funds | |
| General fund | 344,615 |
| Special funds | 53,145 |
| Internal service funds | <u>3,722,816</u> |
| Total | 4,120,576 |
| Sec. B.131 State treasurer | |
| Personal services | 4,066,430 |
| Operating expenses | <u>222,134</u> |
| Total | 4,288,564 |
| Source of funds | |
| General fund | 1,066,424 |
| Special funds | 3,064,451 |
| Interdepartmental transfers | <u>157,689</u> |
| Total | 4,288,564 |
| Sec. B.132 State treasurer - unclaimed property | |
| Personal services | 801,509 |
| Operating expenses | <u>333,777</u> |
| Total | 1,135,286 |
| Source of funds | |
| Private purpose trust funds | <u>1,135,286</u> |
| Total | 1,135,286 |
| Sec. B.133 Vermont state retirement system | |
| Personal services | 3,338,784 |
| Operating expenses | <u>1,517,283</u> |
| Total | 4,856,067 |
| Source of funds | |

| | |
|---|-------------------|
| Pension trust funds | <u>4,856,067</u> |
| Total | 4,856,067 |
| Sec. B.134 Municipal employees' retirement system | |
| Personal services | 1,372,679 |
| Operating expenses | <u>940,333</u> |
| Total | 2,313,012 |
| Source of funds | |
| Pension trust funds | <u>2,313,012</u> |
| Total | 2,313,012 |
| Sec. B.135 State labor relations board | |
| Personal services | 227,764 |
| Operating expenses | <u>54,876</u> |
| Total | 282,640 |
| Source of funds | |
| General fund | 273,064 |
| Special funds | 6,788 |
| Interdepartmental transfers | <u>2,788</u> |
| Total | 282,640 |
| Sec. B.136 VOSHA review board | |
| Personal services | 77,471 |
| Operating expenses | <u>14,444</u> |
| Total | 91,915 |
| Source of funds | |
| General fund | 45,958 |
| Interdepartmental transfers | <u>45,957</u> |
| Total | 91,915 |
| Sec. B.136.1 Ethics Commission | |
| Personal services | 83,826 |
| Operating expenses | <u>29,491</u> |
| Total | 113,317 |
| Source of funds | |
| Internal service funds | <u>113,317</u> |
| Total | 113,317 |
| Sec. B.137 Homeowner rebate | |
| Grants | <u>18,600,000</u> |
| Total | 18,600,000 |
| Source of funds | |

| | |
|--|-------------------|
| General fund | <u>18,600,000</u> |
| Total | 18,600,000 |
| 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>3,313,356</u> |
| Total | 3,313,356 |
| Source of funds | |
| General fund | <u>3,313,356</u> |
| Total | 3,313,356 |
| Sec. B.140 Municipal current use | |
| Grants | <u>17,824,193</u> |
| Total | 17,824,193 |
| Source of funds | |
| General fund | <u>17,824,193</u> |
| Total | 17,824,193 |
| Sec. B.142 Payments in lieu of taxes | |
| Grants | <u>9,750,000</u> |
| Total | 9,750,000 |
| Source of funds | |
| Special funds | <u>9,750,000</u> |
| Total | 9,750,000 |
| 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 | 98,982,912 |
| Transportation fund | 3,911,594 |
| Special funds | 16,446,601 |
| Federal funds | 1,150,041 |
| Internal service funds | 138,310,838 |
| Interdepartmental transfers | 7,551,641 |
| Enterprise funds | 6,840 |
| Pension trust funds | 7,169,079 |
| Private purpose trust funds | <u>1,135,286</u> |
| Total | 274,664,832 |
| Sec. B.200 Attorney general | |
| Personal services | 11,337,832 |
| Operating expenses | 1,555,031 |
| Grants | <u>26,500</u> |
| Total | 12,919,363 |
| Source of funds | |
| General fund | 6,246,043 |
| Special funds | 1,886,016 |
| Tobacco fund | 348,000 |
| Federal funds | 1,382,278 |
| Interdepartmental transfers | <u>3,057,026</u> |
| Total | 12,919,363 |
| Sec. B.201 Vermont court diversion | |
| Personal services | 244,715 |
| Grants | <u>2,682,925</u> |
| Total | 2,927,640 |
| Source of funds | |
| General fund | 2,669,643 |
| Special funds | <u>257,997</u> |
| Total | 2,927,640 |
| Sec. B.202 Defender general - public defense | |
| Personal services | 12,655,062 |
| Operating expenses | <u>1,140,326</u> |
| Total | 13,795,388 |
| Source of funds | |

| | |
|--|------------------|
| General fund | 13,205,735 |
| Special funds | <u>589,653</u> |
| Total | 13,795,388 |
| Sec. B.203 Defender general - assigned counsel | |
| Personal services | 6,071,919 |
| Operating expenses | <u>49,500</u> |
| Total | 6,121,419 |
| Source of funds | |
| General fund | <u>6,121,419</u> |
| Total | 6,121,419 |
| Sec. B.204 Judiciary | |
| Personal services | 43,787,084 |
| Operating expenses | 11,863,739 |
| Grants | <u>121,030</u> |
| Total | 55,771,853 |
| Source of funds | |
| General fund | 49,575,326 |
| Special funds | 3,200,659 |
| Federal funds | 900,469 |
| Interdepartmental transfers | <u>2,095,399</u> |
| Total | 55,771,853 |
| Sec. B.205 State's attorneys | |
| Personal services | 14,772,449 |
| Operating expenses | <u>1,941,311</u> |
| Total | 16,713,760 |
| Source of funds | |
| General fund | 13,745,777 |
| Special funds | 85,324 |
| Federal funds | 212,828 |
| Interdepartmental transfers | <u>2,669,831</u> |
| Total | 16,713,760 |
| Sec. B.206 Special investigative unit | |
| Personal services | 86,200 |
| Grants | <u>2,014,230</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 | 2,601,923 |
| Operating expenses | <u>398,724</u> |
| Total | 3,000,647 |
| Source of funds | |
| General fund | <u>3,000,647</u> |
| Total | 3,000,647 |

Sec. B.208 Public safety - administration

| | |
|-----------------------------|------------------|
| Personal services | 4,005,613 |
| Operating expenses | <u>4,835,894</u> |
| Total | 8,841,507 |
| Source of funds | |
| General fund | 5,070,962 |
| Special funds | 4,105 |
| Federal funds | 556,962 |
| Interdepartmental transfers | <u>3,209,478</u> |
| Total | 8,841,507 |

Sec. B.209 Public safety - state police

| | |
|-----------------------------|------------------|
| Personal services | 59,873,563 |
| Operating expenses | 12,188,735 |
| Grants | <u>867,153</u> |
| Total | 72,929,451 |
| Source of funds | |
| General fund | 43,273,740 |
| Transportation fund | 20,250,000 |
| Special funds | 3,103,294 |
| Federal funds | 4,417,066 |
| Interdepartmental transfers | <u>1,885,351</u> |
| Total | 72,929,451 |

Sec. B.210 Public safety - criminal justice services

| | |
|--------------------|------------------|
| Personal services | 4,854,150 |
| Operating expenses | <u>1,748,074</u> |
| Total | 6,602,224 |
| Source of funds | |
| General fund | 1,813,747 |
| Special funds | 4,169,503 |
| Federal funds | <u>618,974</u> |
| Total | 6,602,224 |

Sec. B.211 Public safety - emergency management

| | |
|-----------------------------|-------------------|
| Personal services | 3,622,802 |
| Operating expenses | 1,208,465 |
| Grants | <u>12,749,486</u> |
| Total | 17,580,753 |
| Source of funds | |
| General fund | 589,847 |
| Special funds | 710,000 |
| Federal funds | 16,273,680 |
| Interdepartmental transfers | <u>7,226</u> |
| Total | 17,580,753 |

Sec. B.212 Public safety - fire safety

| | |
|-----------------------------|----------------|
| Personal services | 6,900,872 |
| Operating expenses | 2,621,228 |
| Grants | <u>107,000</u> |
| Total | 9,629,100 |
| Source of funds | |
| General fund | 461,669 |
| Special funds | 8,639,610 |
| Federal funds | 482,821 |
| Interdepartmental transfers | <u>45,000</u> |
| Total | 9,629,100 |

Sec. B.213 Public safety - Forensic Laboratory

| | |
|-----------------------------|------------------|
| Personal services | 3,051,799 |
| Operating expenses | <u>1,111,583</u> |
| Total | 4,163,382 |
| Source of funds | |
| General fund | 3,217,665 |
| Special funds | 61,852 |
| Federal funds | 531,072 |
| Interdepartmental transfers | <u>352,793</u> |
| Total | 4,163,382 |

Sec. B.215 Military - administration

| | |
|--------------------|------------------|
| Personal services | 705,613 |
| Operating expenses | 649,055 |
| Grants | <u>1,319,834</u> |
| Total | 2,674,502 |
| Source of funds | |

| | |
|---|-------------------|
| General fund | <u>2,674,502</u> |
| Total | 2,674,502 |
| Sec. B.216 Military - air service contract | |
| Personal services | 6,926,201 |
| Operating expenses | <u>1,126,174</u> |
| Total | 8,052,375 |
| Source of funds | |
| General fund | 613,964 |
| Federal funds | <u>7,438,411</u> |
| Total | 8,052,375 |
| Sec. B.217 Military - army service contract | |
| Personal services | 13,662,589 |
| Operating expenses | <u>8,036,445</u> |
| Total | 21,699,034 |
| Source of funds | |
| Federal funds | <u>21,699,034</u> |
| Total | 21,699,034 |
| Sec. B.218 Military - building maintenance | |
| Personal services | 877,574 |
| Operating expenses | <u>719,418</u> |
| Total | 1,596,992 |
| Source of funds | |
| General fund | 1,534,492 |
| Special funds | <u>62,500</u> |
| Total | 1,596,992 |
| Sec. B.219 Military - veterans' affairs | |
| Personal services | 868,747 |
| Operating expenses | 169,267 |
| Grants | <u>49,300</u> |
| Total | 1,087,314 |
| Source of funds | |
| General fund | 823,965 |
| Special funds | 163,349 |
| Federal funds | <u>100,000</u> |
| Total | 1,087,314 |
| Sec. B.220 Center for crime victim services | |
| Personal services | 1,848,483 |
| Operating expenses | 386,510 |

| | |
|--|-------------------|
| Grants | <u>10,388,535</u> |
| Total | 12,623,528 |
| Source of funds | |
| General fund | 1,382,712 |
| Special funds | 4,628,381 |
| Federal funds | <u>6,612,435</u> |
| Total | 12,623,528 |
| Sec. B.221 Criminal justice council | |
| Personal services | 1,789,698 |
| Operating expenses | <u>1,382,557</u> |
| Total | 3,172,255 |
| Source of funds | |
| General fund | 2,931,638 |
| Interdepartmental transfers | <u>240,617</u> |
| Total | 3,172,255 |
| Sec. B.222 Agriculture, food and markets - administration | |
| Personal services | 1,708,448 |
| Operating expenses | 458,028 |
| Grants | <u>227,972</u> |
| Total | 2,394,448 |
| Source of funds | |
| General fund | 1,037,364 |
| Special funds | 901,167 |
| Federal funds | <u>455,917</u> |
| Total | 2,394,448 |
| Sec. B.223 Agriculture, food and markets - food safety and consumer protection | |
| Personal services | 4,295,567 |
| Operating expenses | 731,597 |
| Grants | <u>2,780,000</u> |
| Total | 7,807,164 |
| Source of funds | |
| General fund | 2,998,665 |
| Special funds | 3,647,045 |
| Federal funds | 1,154,454 |
| Interdepartmental transfers | <u>7,000</u> |
| Total | 7,807,164 |
| Sec. B.224 Agriculture, food and markets - agricultural development | |
| Personal services | 3,259,502 |

| | |
|---|------------------|
| Operating expenses | 601,797 |
| Grants | <u>3,212,425</u> |
| Total | 7,073,724 |
| Source of funds | |
| General fund | 2,230,367 |
| Special funds | 686,753 |
| Federal funds | <u>4,156,604</u> |
| Total | 7,073,724 |
| Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship | |
| Personal services | 2,689,658 |
| Operating expenses | 623,905 |
| Grants | <u>295,334</u> |
| Total | 3,608,897 |
| Source of funds | |
| General fund | 778,555 |
| Special funds | 2,084,017 |
| Federal funds | 466,470 |
| Interdepartmental transfers | <u>279,855</u> |
| Total | 3,608,897 |
| Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab | |
| Personal services | 1,658,109 |
| Operating expenses | <u>1,072,026</u> |
| Total | 2,730,135 |
| Source of funds | |
| General fund | 972,444 |
| Special funds | 1,690,632 |
| Interdepartmental transfers | <u>67,059</u> |
| Total | 2,730,135 |
| Sec. B.225.2 Agriculture, Food and Markets - Clean Water | |
| Personal services | 3,249,011 |
| Operating expenses | 486,344 |
| Grants | <u>4,060,891</u> |
| Total | 7,796,246 |
| Source of funds | |
| General fund | 1,087,080 |
| Special funds | 6,089,920 |
| Federal funds | 133,534 |

| | |
|---|------------------|
| Interdepartmental transfers | <u>485,712</u> |
| Total | 7,796,246 |
| Sec. B.226 Financial regulation - administration | |
| Personal services | 2,192,277 |
| Operating expenses | <u>287,859</u> |
| Total | 2,480,136 |
| Source of funds | |
| Special funds | <u>2,480,136</u> |
| Total | 2,480,136 |
| Sec. B.227 Financial regulation - banking | |
| Personal services | 1,952,985 |
| Operating expenses | <u>443,717</u> |
| Total | 2,396,702 |
| Source of funds | |
| Special funds | <u>2,396,702</u> |
| Total | 2,396,702 |
| Sec. B.228 Financial regulation - insurance | |
| Personal services | 4,231,076 |
| Operating expenses | <u>612,474</u> |
| Total | 4,843,550 |
| Source of funds | |
| Special funds | <u>4,843,550</u> |
| Total | 4,843,550 |
| Sec. B.229 Financial regulation - captive insurance | |
| Personal services | 4,462,433 |
| Operating expenses | <u>635,148</u> |
| Total | 5,097,581 |
| Source of funds | |
| Special funds | <u>5,097,581</u> |
| Total | 5,097,581 |
| Sec. B.230 Financial regulation - securities | |
| Personal services | 1,090,028 |
| Operating expenses | <u>267,752</u> |
| Total | 1,357,780 |
| Source of funds | |
| Special funds | <u>1,357,780</u> |
| Total | 1,357,780 |

| | |
|---|------------------|
| Sec. B.232 Secretary of state | |
| Personal services | 10,735,193 |
| Operating expenses | <u>3,366,058</u> |
| Total | 14,101,251 |
| Source of funds | |
| Special funds | 12,643,807 |
| Federal funds | <u>1,457,444</u> |
| Total | 14,101,251 |
| Sec. B.233 Public service - regulation and energy | |
| Personal services | 10,455,905 |
| Operating expenses | 1,129,688 |
| Grants | <u>858,000</u> |
| Total | 12,443,593 |
| Source of funds | |
| Special funds | 10,812,770 |
| Federal funds | 1,001,919 |
| ARRA funds | 520,000 |
| Interdepartmental transfers | 55,000 |
| Enterprise funds | <u>53,904</u> |
| Total | 12,443,593 |
| Sec. B.234 Public utility commission | |
| Personal services | 3,412,556 |
| Operating expenses | <u>495,007</u> |
| Total | 3,907,563 |
| Source of funds | |
| Special funds | <u>3,907,563</u> |
| Total | 3,907,563 |
| Sec. B.235 Enhanced 9-1-1 Board | |
| Personal services | 4,012,033 |
| Operating expenses | <u>456,180</u> |
| Total | 4,468,213 |
| Source of funds | |
| Special funds | <u>4,468,213</u> |
| Total | 4,468,213 |
| Sec. B.236 Human rights commission | |
| Personal services | 636,832 |
| Operating expenses | <u>81,350</u> |
| Total | 718,182 |

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|--|------------------|
| Source of funds | |
| General fund | 639,626 |
| Federal funds | <u>78,556</u> |
| Total | 718,182 |
| Sec. B.236.1 Liquor & Lottery Comm. Office | |
| Personal services | 419,403 |
| Operating expenses | <u>21,299</u> |
| Total | 440,702 |
| Source of funds | |
| Enterprise funds | <u>440,702</u> |
| Total | 440,702 |
| Sec. B.236.2 Lottery Operations | |
| Personal services | 2,068,967 |
| Operating expenses | 1,469,560 |
| Grants | <u>250,000</u> |
| Total | 3,788,527 |
| Source of funds | |
| Enterprise funds | <u>3,788,527</u> |
| Total | 3,788,527 |
| Sec. B.237 Liquor control - administration | |
| Personal services | 3,754,315 |
| Operating expenses | <u>1,178,748</u> |
| Total | 4,933,063 |
| Source of funds | |
| Tobacco fund | 213,843 |
| Enterprise funds | <u>4,719,220</u> |
| Total | 4,933,063 |
| Sec. B.238 Liquor control - enforcement and licensing | |
| Personal services | 1,960,344 |
| Operating expenses | <u>414,536</u> |
| Total | 2,374,880 |
| Source of funds | |
| Federal funds | 184,484 |
| Enterprise funds | <u>2,190,396</u> |
| Total | 2,374,880 |
| Sec. B.239 Liquor control - warehousing and distribution | |
| Personal services | 1,062,133 |
| Operating expenses | <u>530,736</u> |

| | |
|---|----------------------|
| Total | 1,592,869 |
| Source of funds | |
| Enterprise funds | <u>1,592,869</u> |
| Total | 1,592,869 |
| Sec. B.240 Cannabis Control Board | |
| Personal services | <u>650,000</u> |
| Total | 650,000 |
| Source of funds | |
| Special funds | <u>650,000</u> |
| Total | 650,000 |
| Sec. B.241 Total protection to persons and property | |
| Source of funds | |
| General fund | 170,798,024 |
| Transportation fund | 20,250,000 |
| Special funds | 91,319,879 |
| Tobacco fund | 561,843 |
| Federal funds | 70,315,412 |
| ARRA funds | 520,000 |
| Interdepartmental transfers | 14,457,347 |
| Enterprise funds | <u>12,785,618</u> |
| Total | 381,008,123 |
| Sec. B.300 Human services - agency of human services - secretary's office | |
| Personal services | 11,427,819 |
| Operating expenses | 5,214,621 |
| Grants | <u>2,895,202</u> |
| Total | 19,537,642 |
| Source of funds | |
| General fund | 8,430,401 |
| Special funds | 135,517 |
| Federal funds | 9,959,398 |
| Global Commitment fund | 453,000 |
| Interdepartmental transfers | <u>559,326</u> |
| Total | 19,537,642 |
| Sec. B.301 Secretary's office - global commitment | |
| Grants | <u>1,680,637,999</u> |
| Total | 1,680,637,999 |
| Source of funds | |
| General fund | 559,592,034 |
| Special funds | 33,370,086 |

| | |
|---|-------------------|
| Tobacco fund | 21,049,373 |
| State health care resources fund | 17,078,501 |
| Federal funds | 1,044,929,568 |
| Interdepartmental transfers | <u>4,618,437</u> |
| Total | 1,680,637,999 |
| Sec. B.303 Developmental disabilities council | |
| Personal services | 389,631 |
| Operating expenses | 94,884 |
| Grants | <u>191,595</u> |
| Total | 676,110 |
| Source of funds | |
| Special funds | 12,000 |
| Federal funds | <u>664,110</u> |
| Total | 676,110 |
| Sec. B.304 Human services board | |
| Personal services | 739,966 |
| Operating expenses | <u>88,723</u> |
| Total | 828,689 |
| Source of funds | |
| General fund | 474,851 |
| Federal funds | <u>353,838</u> |
| Total | 828,689 |
| 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 | 130,163,425 |
| Operating expenses | 26,394,423 |
| Grants | <u>3,192,301</u> |
| Total | 159,750,149 |
| Source of funds | |
| General fund | 32,776,219 |
| Special funds | 3,363,758 |
| Federal funds | 114,469,002 |
| Global Commitment fund | 4,314,039 |

| | |
|---|--------------------|
| Interdepartmental transfers | <u>4,827,131</u> |
| Total | 159,750,149 |
| Sec. B.307 Department of Vermont health access - Medicaid program - global commitment | |
| Personal services | 547,983 |
| Grants | <u>757,772,233</u> |
| Total | 758,320,216 |
| Source of funds | |
| Global Commitment fund | <u>758,320,216</u> |
| Total | 758,320,216 |
| Sec. B.309 Department of Vermont health access - Medicaid program - state only | |
| Grants | <u>42,367,754</u> |
| Total | 42,367,754 |
| Source of funds | |
| General fund | 42,315,703 |
| Global Commitment fund | <u>52,051</u> |
| Total | 42,367,754 |
| Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched | |
| Grants | <u>32,842,006</u> |
| Total | 32,842,006 |
| Source of funds | |
| General fund | 12,664,602 |
| Federal funds | <u>20,177,404</u> |
| Total | 32,842,006 |
| Sec. B.311 Health - administration and support | |
| Personal services | 5,753,602 |
| Operating expenses | 6,567,686 |
| Grants | <u>6,313,608</u> |
| Total | 18,634,896 |
| Source of funds | |
| General fund | 2,982,217 |
| Special funds | 2,061,857 |
| Federal funds | 7,777,658 |
| Global Commitment fund | 5,748,858 |
| Interdepartmental transfers | <u>64,306</u> |
| Total | 18,634,896 |

Sec. B.312 Health - public health

| | |
|-----------------------------|-------------------|
| Personal services | 48,721,754 |
| Operating expenses | 10,018,085 |
| Grants | <u>38,742,061</u> |
| Total | 97,481,900 |
| Source of funds | |
| General fund | 11,154,334 |
| Special funds | 18,897,491 |
| Tobacco fund | 1,088,918 |
| Federal funds | 49,379,385 |
| Global Commitment fund | 15,938,349 |
| Interdepartmental transfers | 998,423 |
| Permanent trust funds | <u>25,000</u> |
| Total | 97,481,900 |

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

| | |
|------------------------|-------------------|
| Personal services | 5,167,831 |
| Operating expenses | 511,500 |
| Grants | <u>48,713,374</u> |
| Total | 54,392,705 |
| Source of funds | |
| General fund | 1,238,534 |
| Special funds | 1,354,762 |
| Tobacco fund | 949,917 |
| Federal funds | 18,651,302 |
| Global Commitment fund | <u>32,198,190</u> |
| Total | 54,392,705 |

Sec. B.314 Mental health - mental health

| | |
|-----------------------------|--------------------|
| Personal services | 32,985,332 |
| Operating expenses | 4,700,264 |
| Grants | <u>246,498,959</u> |
| Total | 284,184,555 |
| Source of funds | |
| General fund | 10,281,092 |
| Special funds | 1,685,284 |
| Federal funds | 9,398,134 |
| Global Commitment fund | 262,745,408 |
| Interdepartmental transfers | <u>74,637</u> |
| Total | 284,184,555 |

 Sec. B.316 Department for children and families - administration & support services

| | |
|-----------------------------|------------------|
| Personal services | 38,362,798 |
| Operating expenses | 17,035,520 |
| Grants | <u>3,819,106</u> |
| Total | 59,217,424 |
| Source of funds | |
| General fund | 33,091,620 |
| Special funds | 2,711,682 |
| Federal funds | 21,062,298 |
| Global Commitment fund | 2,000,936 |
| Interdepartmental transfers | <u>350,888</u> |
| Total | 59,217,424 |

Sec. B.317 Department for children and families - family services

| | |
|-----------------------------|-------------------|
| Personal services | 39,332,995 |
| Operating expenses | 4,997,338 |
| Grants | <u>81,171,012</u> |
| Total | 125,501,345 |
| Source of funds | |
| General fund | 49,047,462 |
| Special funds | 729,587 |
| Federal funds | 31,365,138 |
| Global Commitment fund | 44,344,158 |
| Interdepartmental transfers | <u>15,000</u> |
| Total | 125,501,345 |

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

| | |
|-----------------------------|-------------------|
| Personal services | 5,020,429 |
| Operating expenses | 848,079 |
| Grants | <u>97,511,841</u> |
| Total | 103,380,349 |
| Source of funds | |
| General fund | 27,348,614 |
| Special funds | 16,820,000 |
| Federal funds | 48,274,814 |
| Global Commitment fund | 10,914,421 |
| Interdepartmental transfers | <u>22,500</u> |
| Total | 103,380,349 |

Sec. B.319 Department for children and families - office of child support

| | |
|-------------------|------------|
| Personal services | 11,099,902 |
|-------------------|------------|

| | |
|---|-------------------|
| Operating expenses | <u>3,630,055</u> |
| Total | 14,729,957 |
| Source of funds | |
| General fund | 4,368,322 |
| Special funds | 455,719 |
| Federal funds | 9,518,316 |
| Interdepartmental transfers | <u>387,600</u> |
| Total | 14,729,957 |
| 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>9,041,574</u> |
| Total | 9,056,574 |
| Source of funds | |
| General fund | 8,659,239 |
| Federal funds | 111,320 |
| Global Commitment fund | <u>286,015</u> |
| Total | 9,056,574 |
| 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 | 29,119 |
| Grants | <u>31,875,664</u> |
| Total | 31,904,783 |
| Source of funds | |
| General fund | 19,937,515 |
| Special funds | 5,854,320 |

| | |
|---|-------------------|
| Federal funds | 3,431,330 |
| Global Commitment fund | <u>2,681,618</u> |
| Total | 31,904,783 |
| 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 | 636,177 |
| Operating expenses | 43,488 |
| Grants | <u>13,165,262</u> |
| Total | 13,844,927 |
| Source of funds | |
| General fund | 8,007,798 |
| Special funds | 57,990 |
| Federal funds | 4,423,154 |
| Global Commitment fund | <u>1,355,985</u> |
| Total | 13,844,927 |
| Sec. B.326 Department for children and families - OEO - weatherization assistance | |
| Personal services | 352,504 |
| Operating expenses | 44,297 |
| Grants | <u>12,038,018</u> |
| Total | 12,434,819 |
| Source of funds | |
| Special funds | 7,617,551 |
| Federal funds | <u>4,817,268</u> |
| Total | 12,434,819 |
| Sec. B.327 Department for Children and Families - Secure Residential Treatment | |
| Personal services | 258,100 |
| Operating expenses | 650,463 |
| Grants | <u>3,476,862</u> |
| Total | 4,385,425 |

| | |
|---|-------------------|
| Source of funds | |
| General fund | 4,355,425 |
| Global Commitment fund | <u>30,000</u> |
| Total | 4,385,425 |
| Sec. B.328 Department for children and families - disability determination services | |
| Personal services | 7,139,139 |
| Operating expenses | <u>460,858</u> |
| Total | 7,599,997 |
| Source of funds | |
| General fund | 111,120 |
| Federal funds | <u>7,488,877</u> |
| Total | 7,599,997 |
| Sec. B.329 Disabilities, aging, and independent living - administration & support | |
| Personal services | 33,906,585 |
| Operating expenses | <u>5,953,426</u> |
| Total | 39,860,011 |
| Source of funds | |
| General fund | 17,731,954 |
| Special funds | 1,390,457 |
| Federal funds | 19,671,316 |
| Interdepartmental transfers | <u>1,066,284</u> |
| Total | 39,860,011 |
| Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants | |
| Grants | <u>19,295,893</u> |
| Total | 19,295,893 |
| Source of funds | |
| General fund | 7,644,654 |
| Federal funds | 7,148,466 |
| Global Commitment fund | <u>4,502,773</u> |
| Total | 19,295,893 |
| Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired | |
| Grants | <u>1,661,457</u> |
| Total | 1,661,457 |
| Source of funds | |
| General fund | 389,154 |

| | |
|---|--------------------|
| Special funds | 223,450 |
| Federal funds | 743,853 |
| Global Commitment fund | <u>305,000</u> |
| Total | 1,661,457 |
| Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation | |
| Grants | <u>7,024,368</u> |
| Total | 7,024,368 |
| Source of funds | |
| General fund | 1,371,845 |
| Federal funds | 4,402,523 |
| Interdepartmental transfers | <u>1,250,000</u> |
| Total | 7,024,368 |
| Sec. B.333 Disabilities, aging, and independent living - developmental services | |
| Grants | <u>253,145,757</u> |
| Total | 253,145,757 |
| Source of funds | |
| General fund | 155,125 |
| Special funds | 15,463 |
| Federal funds | 359,857 |
| Global Commitment fund | 252,565,312 |
| Interdepartmental transfers | <u>50,000</u> |
| Total | 253,145,757 |
| Sec. B.334 Disabilities, aging, and independent living - Brain injury home and community based waiver | |
| Grants | <u>5,615,050</u> |
| Total | 5,615,050 |
| Source of funds | |
| Global Commitment fund | <u>5,615,050</u> |
| Total | 5,615,050 |
| Sec. B.334.1 Disabilities, aging and independent living - Long Term Care | |
| Grants | <u>230,505,916</u> |
| Total | 230,505,916 |
| Source of funds | |
| General fund | 498,579 |
| Federal funds | 2,083,333 |
| Global Commitment fund | <u>227,924,004</u> |
| Total | 230,505,916 |

| | |
|--|------------------|
| Sec. B.335 Corrections - administration | |
| Personal services | 3,075,938 |
| Operating expenses | <u>238,644</u> |
| Total | 3,314,582 |
| Source of funds | |
| General fund | <u>3,314,582</u> |
| Total | 3,314,582 |
| Sec. B.336 Corrections - parole board | |
| Personal services | 361,649 |
| Operating expenses | <u>59,216</u> |
| Total | 420,865 |
| Source of funds | |
| General fund | <u>420,865</u> |
| Total | 420,865 |
| Sec. B.337 Corrections - correctional education | |
| Personal services | 3,240,204 |
| Operating expenses | <u>244,932</u> |
| Total | 3,485,136 |
| Source of funds | |
| Interdepartmental transfers | <u>3,485,136</u> |
| Total | 3,485,136 |
| Sec. B.338 Corrections - correctional services | |
| Personal services | 119,627,239 |
| Operating expenses | 23,264,616 |
| Grants | <u>9,308,427</u> |
| Total | 152,200,282 |
| Source of funds | |
| General fund | 145,083,685 |
| Special funds | 935,963 |
| Federal funds | 473,523 |
| Global Commitment fund | 5,310,796 |
| Interdepartmental transfers | <u>396,315</u> |
| Total | 152,200,282 |
| 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 | 514,774 |
| Operating expenses | <u>455,845</u> |
| Total | 970,619 |
| Source of funds | |
| Special funds | <u>970,619</u> |
| Total | 970,619 |
| Sec. B.341 Corrections - Vermont offender work program | |
| Personal services | 1,426,198 |
| Operating expenses | <u>525,784</u> |
| Total | 1,951,982 |
| Source of funds | |
| Internal service funds | <u>1,951,982</u> |
| Total | 1,951,982 |
| Sec. B.342 Vermont veterans' home - care and support services | |
| Personal services | 19,020,560 |
| Operating expenses | <u>5,426,960</u> |
| Total | 24,447,520 |
| Source of funds | |
| General fund | 2,843,321 |
| Special funds | 11,868,942 |
| Federal funds | <u>9,735,257</u> |
| Total | 24,447,520 |
| Sec. B.343 Commission on women | |
| Personal services | 334,422 |
| Operating expenses | <u>71,369</u> |
| Total | 405,791 |
| Source of funds | |
| General fund | 402,018 |
| Special funds | <u>3,773</u> |
| Total | 405,791 |
| 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 | 7,351,808 |
| Operating expenses | <u>385,835</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 | 1,034,224,386 |
| Special funds | 116,659,874 |
| Tobacco fund | 23,088,208 |
| State health care resources fund | 17,078,501 |
| Federal funds | 1,495,237,906 |
| Global Commitment fund | 1,641,506,509 |
| Internal service funds | 1,951,982 |
| Interdepartmental transfers | 28,665,983 |
| Permanent trust funds | <u>25,000</u> |
| Total | 4,358,438,349 |
| Sec. B.400 Labor - programs | |
| Personal services | 31,359,103 |
| Operating expenses | 7,701,210 |
| Grants | <u>1,822,409</u> |
| Total | 40,882,722 |
| Source of funds | |
| General fund | 5,394,154 |
| Special funds | 6,422,539 |
| Federal funds | 28,658,417 |
| Interdepartmental transfers | <u>407,612</u> |
| Total | 40,882,722 |
| Sec. B.401 Total labor | |
| Source of funds | |
| General fund | 5,394,154 |
| Special funds | 6,422,539 |
| Federal funds | 28,658,417 |

| | |
|--|--------------------|
| Interdepartmental transfers | <u>407,612</u> |
| Total | 40,882,722 |
| Sec. B.500 Education - finance and administration | |
| Personal services | 13,479,879 |
| Operating expenses | 3,987,842 |
| Grants | <u>16,770,700</u> |
| Total | 34,238,421 |
| Source of funds | |
| General fund | 5,446,749 |
| Special funds | 18,343,202 |
| Education fund | 3,389,605 |
| Federal funds | 6,201,700 |
| Global Commitment fund | 260,000 |
| Interdepartmental transfers | <u>597,165</u> |
| Total | 34,238,421 |
| Sec. B.501 Education - education services | |
| Personal services | 14,739,327 |
| Operating expenses | 1,073,385 |
| Grants | <u>178,769,897</u> |
| Total | 194,582,609 |
| Source of funds | |
| General fund | 4,580,935 |
| Special funds | 2,863,170 |
| Tobacco fund | 750,388 |
| Federal funds | <u>186,388,116</u> |
| Total | 194,582,609 |
| Sec. B.502 Education - special education: formula grants | |
| Grants | <u>229,000,000</u> |
| Total | 229,000,000 |
| Source of funds | |
| Education fund | <u>229,000,000</u> |
| Total | 229,000,000 |
| Sec. B.503 Education - state-placed students | |
| Grants | <u>17,000,000</u> |
| Total | 17,000,000 |
| Source of funds | |
| Education fund | <u>17,000,000</u> |
| Total | 17,000,000 |

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>9,143,000</u> |
| Total | 9,143,000 |
| Source of funds | |
| General fund | 921,500 |
| Education fund | <u>8,221,500</u> |
| Total | 9,143,000 |

Sec. B.505 Education - adjusted education payment

| | |
|-----------------|----------------------|
| Grants | <u>1,502,051,000</u> |
| Total | 1,502,051,000 |
| Source of funds | |
| Education fund | <u>1,502,051,000</u> |
| Total | 1,502,051,000 |

Sec. B.506 Education - transportation

| | |
|-----------------|-------------------|
| Grants | <u>20,476,000</u> |
| Total | 20,476,000 |
| Source of funds | |
| Education fund | <u>20,476,000</u> |
| Total | 20,476,000 |

Sec. B.507 Education - small school grants

| | |
|-----------------|------------------|
| Grants | <u>8,100,000</u> |
| Total | 8,100,000 |
| Source of funds | |
| Education fund | <u>8,100,000</u> |
| Total | 8,100,000 |

Sec. B.510 Education - essential early education grant

| | |
|-----------------|------------------|
| Grants | <u>7,050,104</u> |
| Total | 7,050,104 |
| Source of funds | |

| | |
|---|--------------------|
| Education fund | <u>7,050,104</u> |
| Total | 7,050,104 |
| Sec. B.511 Education - technical education | |
| Grants | <u>15,514,300</u> |
| Total | 15,514,300 |
| Source of funds | |
| Education fund | <u>15,514,300</u> |
| Total | 15,514,300 |
| 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>189,646,629</u> |
| Total | 189,646,629 |
| Source of funds | |
| General fund | 152,045,711 |
| Education fund | <u>37,600,918</u> |
| Total | 189,646,629 |
| Sec. B.514.1 State teachers' retirement system administration | |
| Personal services | 3,421,938 |
| Operating expenses | <u>1,687,769</u> |
| Total | 5,109,707 |
| Source of funds | |
| Pension trust funds | <u>5,109,707</u> |
| Total | 5,109,707 |
| Sec. B.515 Retired teachers' health care and medical benefits | |
| Grants | <u>48,893,844</u> |
| Total | 48,893,844 |
| Source of funds | |
| General fund | 35,093,844 |
| Education fund | <u>13,800,000</u> |
| Total | 48,893,844 |

Sec. B.516 Total general education

| | |
|-----------------------------|------------------|
| Source of funds | |
| General fund | 201,656,297 |
| Special funds | 21,206,372 |
| Tobacco fund | 750,388 |
| Education fund | 1,862,203,427 |
| Federal funds | 193,355,866 |
| Global Commitment fund | 260,000 |
| Interdepartmental transfers | 597,165 |
| Pension trust funds | <u>5,109,707</u> |
| Total | 2,285,139,222 |

Sec. B.600 University of Vermont

| | |
|-----------------|-------------------|
| Grants | <u>42,509,093</u> |
| Total | 42,509,093 |
| Source of funds | |
| General fund | <u>42,509,093</u> |
| Total | 42,509,093 |

Sec. B.602 Vermont state colleges

| | |
|-----------------|-------------------|
| Grants | <u>30,500,464</u> |
| Total | 30,500,464 |
| Source of funds | |
| General fund | <u>30,500,464</u> |
| Total | 30,500,464 |

Sec. B.602.2 Vermont state colleges - Transformation funding

| | |
|-----------------|------------------|
| Grants | <u>5,000,000</u> |
| Total | 5,000,000 |
| Source of funds | |
| General fund | <u>5,000,000</u> |
| Total | 5,000,000 |

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>22,251,315</u> |
| Total | 22,251,315 |
| Source of funds | |
| General fund | 19,978,588 |
| Interdepartmental transfers | <u>2,272,727</u> |
| Total | 22,251,315 |

Sec. B.605.1 VSAC - Flexible Pathways Stipend

| | |
|-----------------|---------------|
| Grants | <u>82,450</u> |
| Total | 82,450 |
| Source of funds | |
| General fund | 41,225 |
| Education fund | <u>41,225</u> |
| Total | 82,450 |

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 | 98,861,685 |
| Education fund | 41,225 |
| Global Commitment fund | 409,461 |
| Interdepartmental transfers | <u>2,272,727</u> |
| Total | 101,585,098 |

Sec. B.700 Natural resources - agency of natural resources - administration

| | |
|--------------------|------------------|
| Personal services | 4,035,622 |
| Operating expenses | <u>1,220,341</u> |
| Total | 5,255,963 |

| | |
|---|------------------|
| Source of funds | |
| General fund | 3,389,302 |
| Special funds | 590,134 |
| Interdepartmental transfers | <u>1,276,527</u> |
| Total | 5,255,963 |
| Sec. B.701 Natural resources - state land local property tax assessment | |
| Operating expenses | <u>2,623,193</u> |
| Total | 2,623,193 |
| Source of funds | |
| General fund | 2,196,040 |
| Interdepartmental transfers | <u>427,153</u> |
| Total | 2,623,193 |
| Sec. B.702 Fish and wildlife - support and field services | |
| Personal services | 18,654,752 |
| Operating expenses | 6,717,480 |
| Grants | <u>670,446</u> |
| Total | 26,042,678 |
| Source of funds | |
| General fund | 6,403,816 |
| Special funds | 239,657 |
| Fish and wildlife fund | 9,561,364 |
| Federal funds | 8,504,410 |
| Interdepartmental transfers | 1,322,431 |
| Permanent trust funds | <u>11,000</u> |
| Total | 26,042,678 |
| Sec. B.703 Forests, parks and recreation - administration | |
| Personal services | 827,425 |
| Operating expenses | <u>1,309,059</u> |
| Total | 2,136,484 |
| Source of funds | |
| General fund | <u>2,136,484</u> |
| Total | 2,136,484 |
| Sec. B.704 Forests, parks and recreation - forestry | |
| Personal services | 6,525,761 |
| Operating expenses | 785,127 |
| Grants | <u>1,417,718</u> |
| Total | 8,728,606 |
| Source of funds | |
| General fund | 4,976,669 |

| | |
|--|-------------------|
| Special funds | 1,038,423 |
| Federal funds | 2,456,651 |
| Interdepartmental transfers | <u>256,863</u> |
| Total | 8,728,606 |
| Sec. B.705 Forests, parks and recreation - state parks | |
| Personal services | 10,025,540 |
| Operating expenses | 2,741,662 |
| Grants | <u>70,000</u> |
| Total | 12,837,202 |
| Source of funds | |
| General fund | 1,063,266 |
| Special funds | <u>11,773,936</u> |
| Total | 12,837,202 |
| Sec. B.706 Forests, parks and recreation - lands administration and recreation | |
| Personal services | 2,145,871 |
| Operating expenses | 1,355,338 |
| Grants | <u>2,827,587</u> |
| Total | 6,328,796 |
| Source of funds | |
| General fund | 916,929 |
| Special funds | 2,206,789 |
| Federal funds | 3,082,578 |
| Interdepartmental transfers | <u>122,500</u> |
| Total | 6,328,796 |
| 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 | 6,421,694 |
| Operating expenses | 3,951,865 |
| Grants | <u>145,000</u> |
| Total | 10,518,559 |
| Source of funds | |
| General fund | 1,749,088 |
| Special funds | 350,323 |

| | |
|--|-------------------|
| Federal funds | 1,112,314 |
| Interdepartmental transfers | <u>7,306,834</u> |
| Total | 10,518,559 |
| Sec. B.710 Environmental conservation - air and waste management | |
| Personal services | 25,302,612 |
| Operating expenses | 10,449,327 |
| Grants | <u>5,223,462</u> |
| Total | 40,975,401 |
| Source of funds | |
| General fund | 154,530 |
| Special funds | 36,839,568 |
| Federal funds | 3,822,700 |
| Interdepartmental transfers | <u>158,603</u> |
| Total | 40,975,401 |
| Sec. B.711 Environmental conservation - office of water programs | |
| Personal services | 28,652,311 |
| Operating expenses | 6,722,953 |
| Grants | <u>31,788,617</u> |
| Total | 67,163,881 |
| Source of funds | |
| General fund | 7,895,437 |
| Special funds | 22,601,929 |
| Federal funds | 36,003,082 |
| Interdepartmental transfers | <u>663,433</u> |
| Total | 67,163,881 |
| Sec. B.713 Natural resources board | |
| Personal services | 2,597,208 |
| Operating expenses | <u>545,630</u> |
| Total | 3,142,838 |
| Source of funds | |
| General fund | 631,629 |
| Special funds | <u>2,511,209</u> |
| Total | 3,142,838 |
| Sec. B.714 Total natural resources | |
| Source of funds | |
| General fund | 31,693,115 |
| Special funds | 78,151,968 |
| Fish and wildlife fund | 9,561,364 |
| Federal funds | 54,981,735 |

| | |
|--|-------------------|
| Interdepartmental transfers | 11,534,344 |
| Permanent trust funds | <u>11,000</u> |
| Total | 185,933,526 |
| Sec. B.800 Commerce and community development - agency of commerce and community development - administration | |
| Personal services | 1,970,330 |
| Operating expenses | 991,006 |
| Grants | <u>579,820</u> |
| Total | 3,541,156 |
| Source of funds | |
| General fund | 3,150,156 |
| Federal funds | <u>391,000</u> |
| Total | 3,541,156 |
| Sec. B.801 Economic development | |
| Personal services | 3,680,070 |
| Operating expenses | 1,042,941 |
| Grants | <u>7,458,839</u> |
| Total | 12,181,850 |
| Source of funds | |
| General fund | 4,898,915 |
| Special funds | 1,685,350 |
| Federal funds | 3,907,085 |
| Interdepartmental transfers | <u>1,690,500</u> |
| Total | 12,181,850 |
| Sec. B.802 Housing and community development | |
| Personal services | 4,067,492 |
| Operating expenses | 631,346 |
| Grants | <u>24,757,290</u> |
| Total | 29,456,128 |
| Source of funds | |
| General fund | 3,884,934 |
| Special funds | 4,890,245 |
| Federal funds | 18,277,129 |
| Interdepartmental transfers | <u>2,403,820</u> |
| Total | 29,456,128 |
| Sec. B.806 Tourism and marketing | |
| Personal services | 1,875,235 |
| Operating expenses | 1,553,194 |
| Grants | <u>76,880</u> |

| | |
|---|-------------------|
| Total | 3,505,309 |
| Source of funds | |
| General fund | 3,485,309 |
| Interdepartmental transfers | <u>20,000</u> |
| Total | 3,505,309 |
| Sec. B.808 Vermont council on the arts | |
| Grants | <u>722,859</u> |
| Total | 722,859 |
| Source of funds | |
| General fund | <u>722,859</u> |
| Total | 722,859 |
| 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>982,317</u> |
| Total | 982,317 |
| Source of funds | |
| General fund | <u>982,317</u> |
| Total | 982,317 |
| Sec. B.811 Vermont housing and conservation board | |
| Grants | <u>30,806,887</u> |
| Total | 30,806,887 |
| Source of funds | |
| Special funds | 11,370,550 |
| Federal funds | <u>19,436,337</u> |
| Total | 30,806,887 |
| 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 | 17,489,457 |
| Special funds | 17,946,145 |
| Federal funds | 42,011,551 |
| Interdepartmental transfers | <u>4,114,320</u> |
| Total | 81,561,473 |

Sec. B.900 Transportation - finance and administration

| | |
|---------------------|----------------|
| Personal services | 13,654,880 |
| Operating expenses | 2,507,103 |
| Grants | <u>50,000</u> |
| Total | 16,211,983 |
| Source of funds | |
| Transportation fund | 15,815,083 |
| Federal funds | <u>396,900</u> |
| Total | 16,211,983 |

Sec. B.901 Transportation - aviation

| | |
|---------------------|------------------|
| Personal services | 3,734,269 |
| Operating expenses | 6,007,377 |
| Grants | <u>710,000</u> |
| Total | 10,451,646 |
| Source of funds | |
| Transportation fund | 5,556,388 |
| Federal funds | <u>4,895,258</u> |
| Total | 10,451,646 |

Sec. B.902 Transportation - buildings

| | |
|---------------------|----------------|
| Operating expenses | <u>850,000</u> |
| Total | 850,000 |
| Source of funds | |
| Transportation fund | <u>850,000</u> |
| Total | 850,000 |

Sec. B.903 Transportation - program development

| | |
|---------------------|-------------------|
| Personal services | 58,611,534 |
| Operating expenses | 227,109,245 |
| Grants | <u>28,813,660</u> |
| Total | 314,534,439 |
| Source of funds | |
| Transportation fund | 48,717,849 |

| | |
|--|------------------|
| TIB fund | 10,597,637 |
| Federal funds | 254,737,875 |
| Local match | <u>481,078</u> |
| Total | 314,534,439 |
| Sec. B.904 Transportation - rest areas construction | |
| Personal services | 195,000 |
| Operating expenses | <u>1,265,000</u> |
| Total | 1,460,000 |
| Source of funds | |
| Transportation fund | 146,000 |
| Federal funds | <u>1,314,000</u> |
| Total | 1,460,000 |
| Sec. B.905 Transportation - maintenance state system | |
| Personal services | 45,339,790 |
| Operating expenses | 57,902,709 |
| Grants | <u>277,000</u> |
| Total | 103,519,499 |
| Source of funds | |
| Transportation fund | 87,191,712 |
| Federal funds | 16,227,787 |
| Interdepartmental transfers | <u>100,000</u> |
| Total | 103,519,499 |
| Sec. B.906 Transportation - policy and planning | |
| Personal services | 4,772,462 |
| Operating expenses | 951,911 |
| Grants | <u>5,734,525</u> |
| Total | 11,458,898 |
| Source of funds | |
| Transportation fund | 3,153,630 |
| Federal funds | 8,285,268 |
| Interdepartmental transfers | <u>20,000</u> |
| Total | 11,458,898 |
| Sec. B.907 Transportation - rail | |
| Personal services | 5,366,807 |
| Operating expenses | 30,983,212 |
| Grants | <u>30,000</u> |
| Total | 36,380,019 |
| Source of funds | |
| Transportation fund | 13,897,283 |

| | |
|---|-------------------|
| Federal funds | 19,232,299 |
| Interdepartmental transfers | 2,429,636 |
| Local match | <u>820,801</u> |
| Total | 36,380,019 |
| Sec. B.908 Transportation - public transit | |
| Personal services | 2,264,103 |
| Operating expenses | 112,991 |
| Grants | <u>40,444,428</u> |
| Total | 42,821,522 |
| Source of funds | |
| Transportation fund | 3,303,839 |
| Federal funds | 39,496,667 |
| Interdepartmental transfers | <u>21,016</u> |
| Total | 42,821,522 |
| Sec. B.909 Transportation - central garage | |
| Personal services | 4,728,892 |
| Operating expenses | <u>17,473,828</u> |
| Total | 22,202,720 |
| Source of funds | |
| Internal service funds | <u>22,202,720</u> |
| Total | 22,202,720 |
| Sec. B.910 Department of motor vehicles | |
| Personal services | 25,010,265 |
| Operating expenses | <u>10,963,723</u> |
| Total | 35,973,988 |
| Source of funds | |
| Transportation fund | 34,190,338 |
| Federal funds | 1,666,250 |
| Interdepartmental transfers | <u>117,400</u> |
| Total | 35,973,988 |
| Sec. B.911 Transportation - town highway structures | |
| Grants | <u>12,667,000</u> |
| Total | 12,667,000 |
| Source of funds | |
| Transportation fund | <u>12,667,000</u> |
| Total | 12,667,000 |
| Sec. B.912 Transportation - town highway local technical assistance program | |
| Personal services | 368,939 |

| | |
|--|-------------------|
| Operating expenses | <u>42,750</u> |
| Total | 411,689 |
| Source of funds | |
| Transportation fund | 111,689 |
| Federal funds | <u>300,000</u> |
| Total | 411,689 |
| Sec. B.913 Transportation - town highway class 2 roadway | |
| Grants | <u>15,297,500</u> |
| Total | 15,297,500 |
| Source of funds | |
| Transportation fund | <u>15,297,500</u> |
| Total | 15,297,500 |
| Sec. B.914 Transportation - town highway bridges | |
| Personal services | 4,475,077 |
| Operating expenses | 10,533,896 |
| Grants | <u>399,421</u> |
| Total | 15,408,394 |
| Source of funds | |
| Transportation fund | 1,671,227 |
| TIB fund | 800,000 |
| Federal funds | 12,405,730 |
| Local match | <u>531,437</u> |
| Total | 15,408,394 |
| 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 | 265,000 |
| Grants | <u>5,845,000</u> |
| Total | 6,110,000 |
| Source of funds | |
| Transportation fund | 705,000 |
| Special funds | 3,977,000 |
| Federal funds | <u>1,428,000</u> |
| Total | 6,110,000 |
| 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 | 157,878 |
| Operating expenses | <u>28,733</u> |
| Total | 186,611 |
| Source of funds | |
| Transportation fund | <u>186,611</u> |
| Total | 186,611 |
| Sec. B.922 Total transportation | |
| Source of funds | |
| Transportation fund | 271,865,668 |

| | |
|---|-------------------|
| TIB fund | 11,397,637 |
| Special funds | 4,027,000 |
| Federal funds | 361,546,034 |
| Internal service funds | 22,202,720 |
| Interdepartmental transfers | 2,888,052 |
| Local match | <u>1,833,316</u> |
| Total | 675,760,427 |
| Sec. B.1000 Debt service | |
| Operating expenses | <u>84,541,007</u> |
| Total | 84,541,007 |
| Source of funds | |
| General fund | 81,032,078 |
| Transportation fund | 521,606 |
| ARRA funds | 481,460 |
| TIB debt service fund | <u>2,505,863</u> |
| Total | 84,541,007 |
| Sec. B.1001 Total debt service | |
| Source of funds | |
| General fund | 81,032,078 |
| Transportation fund | 521,606 |
| ARRA funds | 481,460 |
| TIB debt service fund | <u>2,505,863</u> |
| Total | 84,541,007 |
| Sec. B.1100 [DELETED] | |
| Sec. B.1101 [DELETED] | |
| Sec. B.1102 [DELETED] | |
| Sec. B.1103 FISCAL YEAR 2022 ONE-TIME DOWNTOWN TRANSPORTATION AND RELATED CAPITAL IMPROVEMENT FUND APPROPRIATIONS | |

(a) In fiscal year 2022, funds are appropriated from the downtown transportation and capital improvement fund established by 24 V.S.A. § 2796 as follows:

(1) \$5,000,000 to the Department of Housing and Community Development to design, engineer, and construct eligible projects.

(2) Notwithstanding any other provisions of law, and for the purposes of implementing this one-time funding, the Department of Housing and

Community Development is authorized to extend eligibility for the funding allocated in this section to municipalities as follows:

(A) Village centers designated by the Downtown Development Board pursuant to 24 V.S.A. chapter 76a, subchapter 2793a that have participated in the Better Connections Program administered by the Vermont Agency of Transportation and the Department of Housing and Community Development.

(B) Village centers designated by the Downtown Development Board pursuant to 24 V.S.A. chapter 76a, subchapter 2793a within Chittenden County that have completed a comprehensive urban/community area planning process with public input, analogous to the Better Connections Program, in accordance with the program guidelines to be established by the Department.

(3) Municipalities in this section may include engineering and design costs in their budget proposals.

(4) This provision shall remain in effect until such time as the funds are fully expended.

Sec. B.1104 FISCAL YEAR 2022 ONE-TIME TRANSPORTATION
FUND APPROPRIATIONS

(a) Funds are appropriated from the Transportation Fund as follows:

(1) To the Agency of Transportation:

(A) \$6,925,000 for vehicle incentive and emission repair programs and electric vehicle supply equipment grants in fiscal years 2021 and 2022 combined;

(B) \$3,000,000 to be distributed to municipalities through the town highway structures and town highway class 2 roadway grant programs in fiscal year 2022; and

(C) \$400,000 to assist with the relocation of the New Haven Train Depot, as need is determined by the Agency of Transportation, in fiscal year 2022.

(2) If prior appropriations for the Incentive Program for New PEVs and MileageSmart are fully depleted prior to July 1, 2021, then the Agency may use a portion of the \$6,925,000 appropriated in subdivision (a)(1)(A) of this section in fiscal year 2021 to ensure that the programs are not halted due to lack of available funding in fiscal year 2021.

Sec. B.1105 [DELETED]

Sec. B.1106 FISCAL YEAR 2022 ONE-TIME GENERAL FUND
APPROPRIATIONS

(a) In fiscal year 2022, funds are appropriated from the General Fund for new and ongoing initiatives as follows:

(1) \$38,430,000 to the Agency of Administration for the following:

(A) \$11,580,000 for distribution to departments to fund the fiscal year 2022 53rd week of Medicaid.

(B) \$12,450,000 for distribution to departments to fund the fiscal year 2022 27th payroll pay period.

(C) \$14,400,000 for distribution to departments to fund the annual increase in the Vermont State Employee Retirement System (VSERS) Actuarially Determined Employer Contribution (ADEC).

(2) \$1,000,000 for the purchase of body cameras in the Department of Corrections.

(3) \$500,000 to the Vermont Department of Health to support polychlorinated biphenyls (PCB) testing in schools.

(4) \$32,500 to the Green Mountain Care Board for its share of cost associated with rate analysis unmerging the individual and small group market.

(5) \$63,121 to the Council on the Arts for matching federal funds available in the American Rescue Plan Act.

(6) \$200,000 to the Legislature to fund independent benefits experts, legal consulting, and actuarial assistance as necessary for the Task Force on pension reform.

(7) \$200,000 to the Department for Children and Families from the General Fund for the purpose of enabling Building Bright Futures to contract with an independent consulting entity for a childcare and early childhood education systems analysis study required by legislation enacted during the 2021 session.

(8) \$175,000 to the Legislature, for the Legislative Operations department to contract for the analytical work needed for the Task Force on Affordable, Accessible Health Care established in legislation in the 2021 session.

(9) \$25,000 to the Vermont Symphony Orchestra to offset revenues lost during the pandemic.

(10) \$180,000 to the Agency of Administration Office of Racial Equity for activities related to health disparities and health equity.

(11) \$200,000 to the Department of Human Resources for racial equity training support.

(12) \$126,000 to the Agency of Human Services Secretary's Office to maintain the 211-call center during fiscal year 2022.

(13) \$120,000 to the Department of Health for grants of \$40,000 to be made to each of the three AIDS service organizations to replace grant revenue diverted during the pandemic.

(14) \$25,000 to the Department for Children and Families for a grant to the Vermont Donor Milk Center for statewide activities.

(15) \$40,000 to the Vermont Center for Crime Victim Services to provide a grant for the Vermont Forensic Nursing Program. The funds shall be used to recruit, train, and credential nurses to provide forensic medical care for sexual assault patients within primary care, reproductive health, or campus health care settings in order to expand medical care for sexual assault patients beyond hospital emergency departments.

* * * Fiscal Year 2021 adjustments, appropriations and amendments * * *

Sec. C.100 FISCAL YEAR 2021 ONE-TIME GENERAL FUND
APPROPRIATIONS

(a) In fiscal year 2021, funds are appropriated from the General Fund as follows:

(1) To the Agency of Human Services, Global Commitment Program: \$2,000,000 for the State match for the 2020 Acts and Resolves No. 155 Nurse Scholarship Program and University of Vermont College of Medicine, Medical Student Incentive Scholarship Program, as amended in Sec. E. 311.3 of this act. Of these general funds, \$1,000,000 is for expenditure in fiscal year 2022, and \$1,000,000 is for expenditure in fiscal year 2023.

(2) To the Commission on Women: \$8,500 for information technology support.

(3) To the Agency of Commerce and Community Development: \$25,000 for the administration of Vermont 250th anniversary celebration.

(4) To the Vermont Housing Conservation Board: \$50,000 for the Farm Viability Program to provide technical assistance to farmers applying for economic recovery grants from the State.

Sec. C.101 PENSION AND OTHER POST EMPLOYMENT BENEFIT
OBLIGATIONS; LONG-TERM PLAN

(a) In fiscal year 2021, the amount of \$150,000,000 in General Fund monies is hereby reserved to be part of pension funding initiatives and prefunding of other postemployment benefits (OPEB).

(b) On or before June 30, 2022, the General Assembly and the Administration, in collaboration with the Treasurer and interested parties, shall develop a long-term plan to address pension and OPEB liabilities. The funds reserved in subsection (a) of this section shall be made available for appropriation to accompany the structural reforms that are part of this long-term legislative initiative to make Vermont pension and OPEB plans more sustainable.

Sec. C.102 FISCAL YEAR 2021: GLOBAL COMMITMENT PROGRAM
GENERAL FUND REVERSION

(a) In fiscal year 2021, the amount of \$42,516,329 shall be reverted to the General Fund from the general funds appropriated in Sec. B.301 of 2020 Acts and Resolves No. 154, as amended by 2021 Acts and Resolves No. 3.

(b) The Secretary of Human Services shall report to the Joint Fiscal Committee in July or September 2021 on the status and impact of the reversion required by subsection (a) of this section and any carryforward balance of unobligated General Fund appropriations from fiscal year 2021 to fiscal year 2022. To the extent possible, this report shall also provide updates related to the reversion specified in Sec. D.104 of this act for fiscal year 2022 and any carryforward related to home and community-based services as specified in Sec. E.301.3 of this act.

Sec. C.103 REVERSION FROM THE NATIONAL GUARD TUITION
BENEFIT PROGRAM

(a) In fiscal year 2021, the amount of \$400,000 shall revert to the General Fund from the Military Administration appropriation for the National Guard Tuition Benefit Program.

Sec. C.104 2020 Acts and Resolves No. 154, Sec. E.215 is amended to read:

Sec. E.215 Military – Administration

(a) The amount of \$553,906 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. C.105 2020 Acts and Resolves No. 154, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

| | <u>FY 2021</u> | |
|-----------------|------------------|---------------|
| | <u>As Passed</u> | <u>Change</u> |
| Grants | 1,489,500,000 | 1,480,800,000 |
| Total | 1,489,500,000 | 1,480,800,000 |
| Source of funds | | |
| Education fund | 1,489,500,000 | 1,480,800,000 |
| Total | 1,489,500,000 | 1,480,800,000 |

Sec. C.106 [DELETED]

Sec. C.107 UTILITY RATEPAYER ARREARAGES; DEPARTMENT OF PUBLIC SERVICE

(a) The sum of \$15,000,000 from the Coronavirus Relief Fund is appropriated to the Department of Public Service for the purpose of establishing a program to simultaneously minimize financial hardship caused by the COVID-19 public health emergency and mitigate utility rate increases ultimately shared by all utility customers. As used in this section, “utility” means a utility affected by the Public Utility Commission’s moratorium on utility disconnections related to COVID-19.

(b) The Commissioner of Public Service shall set the process, limitations, and means to distribute funds for debt relief for the accounts of utility customers not otherwise eligible or able to access utility assistance or those who, though eligible, are not made whole for such debt through the American Rescue Plan of 2021 or the Consolidated Appropriations Act, 2021, and shall coordinate funding under this section as needed with State agencies charged with distributing such funding. In designing the program, the Commissioner shall establish standards and procedures to prioritize the neediest utility customers for financial assistance under the program.

(c) In administering the program, the Commissioner may coordinate with the Public Utilities Commission, enter into cooperative agreements with utilities to apply funding directly to customer accounts, and contract with any third-party administrator as needed. The Department’s administrative costs associated with the program shall be paid from the amount appropriated under subsection (a) of this section.

(d) Customer information submitted pursuant to this program shall be exempt from disclosure under the Vermont Public Records Act; such data may be disclosed only on an anonymized and aggregated basis.

(e) To the extent consistent with guidance and law, any excess funding under the program not obligated for the purposes set forth in this section by November 1, 2021 shall be reallocated to energy and fuel assistance programs administered by the Department for Children and Families.

Sec. C.108 LEGISLATIVE PREPARATION FOR 2022 SESSION

(a) The sum of \$2,500,000 from the Coronavirus Relief Fund is appropriated to the Legislature for costs incurred due to the response to the Coronavirus pandemic and to fund preparations for the 2022 legislative session consistent with Joint Legislative Management Committee recommendations. Funds may be transferred to appropriate units within the General Assembly as necessary to reimburse eligible 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. C.109 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121 and 2021 Acts and Resolves No. 3, Sec. 50, is further amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE
PROVIDER STABILIZATION GRANT PROGRAM

* * *

(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:

* * *

(3) Up to \$3,000,000.00 for COVID-19-related expenses or revenue losses incurred by designated and specialized service agencies through ~~December 30, 2020~~ June 30, 2021.

* * *

Sec. C.110 REPEAL (FISCAL YEAR 2021 YEAR-END CLOSEOUT
TRANSFERS)

(a) 2020 Acts and Resolves No. 154, Sec. B.1123.1 as amended in 2021 Acts and Resolves No. 9, Sec. 30 is repealed.

Sec. C.111 FISCAL YEAR 2021 YEAR-END CLOSEOUT;
APPROPRIATION AND RESERVE

(a) Notwithstanding 32 V.S.A. § 308c(a), after satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met:

(1) First, up to \$10,000,000 of any remaining unreserved and undesignated fiscal year 2021 General Fund surplus shall be appropriated to the Vermont Housing Conservation Board and may be used for conservation projects and Farm and Forest Viability Program activities that support the rural economy. Up to \$100,000 shall be used to expand the Rural Economic Development Initiative (REDI).

(2) Second, up to \$75,000,000 shall be reserved in the General Fund for appropriation in the 2022 legislative session;

(3) Any remaining amounts shall be allocated in accordance with 32 V.S.A. § 308c.

* * * Fiscal Year 2022 Fund Transfers and Reserve Allocations * * *

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 \$10,804,840 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board (VHCB). Notwithstanding 10 V.S.A. § 312, amounts above \$10,804,840 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 VHCB and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2022 appropriation of \$10,804,840 to VHCB reflects the \$1,500,000 reduction. 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.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 General Fund to the Environmental Contingency Fund established by 10 V.S.A. § 1283: \$9,500,000.

(2) From the General Fund to the Human Rights Commission Fund (21692): \$300,000.

(3) From the General Fund to the Forest Parks Revolving Fund (21270): \$2,050,000.

(4) From the General Fund to the Act 250 Permit Fund (21260): \$1,000,000.

(5) From the General Fund to the Fire Prevention Special Fund (21901): \$500,000.

(6) From the Clean Water Fund (21932) established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund (21933) created under 6 V.S.A. § 4803: \$4,521,393

(7) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Lake in Crisis Response Program Special Fund (21938) created under 10 V.S.A. § 1315: \$50,000.

(8) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund (21575) established by 24 V.S.A. § 2796

to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$4,023,966.

(9) 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 2023 transportation infrastructure bonds debt service: \$2,502,363.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2022:

(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>\$4,641,961.14</u> |
| <u>50300</u> | <u>Liquor Control Fund</u> | <u>\$22,750,000.00</u> |
| | <u>Caledonia Fair</u> | <u>\$5,000.00</u> |
| | <u>North Country Hospital Loan</u> | <u>\$24,047.00</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 July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

| | | |
|--------------|--|-----------------------|
| <u>21638</u> | <u>AG-Fees & reimbursement – Court order</u> | <u>\$2,000,000.00</u> |
| <u>21928</u> | <u>Secretary of State Services Funds</u> | <u>\$2,867,898.00</u> |
| <u>62100</u> | <u>Unclaimed Property Fund</u> | <u>\$1,797,750.00</u> |

(3) Notwithstanding 2016 Acts and Resolves No. 172, Sec. E. 228, \$37,078,618 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (21075), the Captive Insurance Regulatory and Supervision Fund (21085), and the Securities Regulatory and Supervision Fund (21080) shall be transferred to the General Fund.

(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2022 the following estimated General Fund reserves shall be made:

(1) Pursuant to 32 V.S.A. § 308, an estimated amount of \$6,259,724 shall be reserved in the General Fund Budget Stabilization Reserve.

(d) Notwithstanding any provisions of law to the contrary, in fiscal year 2022:

(1) The following amounts shall revert to the General Fund from the Accounts indicated:

| | | |
|-------------------|----------------------------------|---------------------|
| <u>2150010000</u> | <u>Military – administration</u> | <u>\$200,000.00</u> |
| <u>1210002000</u> | <u>Legislature</u> | <u>\$140,000.00</u> |
| <u>1215001000</u> | <u>Legislative Counsel</u> | <u>\$50,000.00</u> |
| <u>1220000000</u> | <u>Joint Fiscal Office</u> | <u>\$50,000.00</u> |
| <u>1225001000</u> | <u>Legislative IT</u> | <u>\$120,000.00</u> |
| <u>1230001000</u> | <u>Sergeant at Arms</u> | <u>\$60,000.00</u> |

Sec. D.102 27/53 RESERVE; TRANSFER AND USE

(a) \$3,740,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year 2022. This action is the fiscal year 2022 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. § 308e and the 27th payroll reserve as required by 32 V.S.A. § 308e(b).

(b) \$24,030,000 shall be unreserved from the 27/53 Reserve in in fiscal year 2022 to provide for the appropriations described in Secs. B.1106(a)(1)(A) and B.1106(a)(1)(B) of this act.

Sec. D.103 [DELETED]

Sec. D.104 FISCAL YEAR 2022; GLOBAL COMMITMENT PROGRAM
GENERAL FUND REVERSION

(a) In fiscal year 2022, the amount of \$66,000,000 shall be reverted to the General Fund from the general funds appropriated in Sec. B. 301 of this act for the Global Commitment Program.

Sec. D.105 FISCAL YEAR 2022; GENERAL FUND TEMPORARY
RESERVE

(a) In fiscal year 2022, \$28,000,000 of General Fund is reserved for legislative allocation to existing General Fund reserves or appropriation for budget adjustment, including offsets that may be required due to federal relief fund guidance.

* * * General Government * * *

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following new positions is authorized in fiscal year 2022 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 Sec. A.107 of this act that pertains to subdivisions (1) and (2) of this subsection:

(1) Permanent classified positions:

(A) Department of Public Safety – one (1) Paralegal to assist with public records requests.

(B) Agency of Administration – one (1) policy and research analyst and one (1) outreach and education coordinator.

(C) Secretary of State – one (1) State Elections Assistant Director.

(D) Criminal Justice Council – one (1) Professional Regulatory Investigator.

(2) Permanent exempt position:

(A) Criminal Justice Council – one (1) Staff Attorney.

(3) The conversion of one limited service position to classified permanent status is authorized in fiscal year 2022 as follows:

(A) The Secretary of State – one (1) Administrative Services Director.

(4) Five-year limited service classified positions are authorized in fiscal year 2022:

(A) Department of Environmental Conservation – one (1) environmental analyst.

(B) Department of Health – one (1) senior Environmental Health Risk Assessor.

Sec. E.100.1 2014 Acts and Resolves No. 179, Sec. E100(d); as amended by 2015 Acts and Resolves No. 4, Sec. 74; 2016 Acts and Resolves No. 172, Sec. E.100.2; 2017 Acts and Resolves No. 85, Sec. E.100.1; 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.100.1; 2020 Acts and Resolves No. 120; and by 2020 Act and Resolves No. 154, 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 ~~July 1, 2021~~ July 1, 2023, unless extended or modified by the General Assembly.

Sec. E.103 12 V.S.A. 5601(f) is amended to read:

(f) The limitations in subsection (e) of this section do not apply to claims against the State of Vermont to the extent that there exists coverage under a policy of liability insurance purchased by the ~~Commissioner of Buildings and General Services~~ Secretary of Administration.

Sec. E.103.1 12 V.S.A. 5603 is amended to read:

§ 5603 SETTLEMENT OF CLAIMS

(a) The Attorney General may consider, adjust, determine, and settle any claim for damages against the State of Vermont resulting from the acts or omissions of an employee as provided under 3 V.S.A. § 159. If the State elects to self-insure the liability as defined in 12 V.S.A. § 5601, the Attorney General shall consult with the ~~Commissioner of Buildings and General Services~~ Secretary of Administration prior to exercising his or her authority under this subsection.

* * *

(d) The duties described at 29 V.S.A. 152(a)(5) as the Department of Buildings and General Services shall become the duties of the Secretary of Administration.

Sec. E.103.2 REPEAL

29 V.S.A. § 152(a)(5) is repealed.

Sec. E.103.3 3 V.S.A. § 2222 is amended to read:

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

(a) In addition to the duties expressly set forth elsewhere by law, the Secretary shall:

* * *

(11) Inspect, appraise, and maintain a current appraisal schedule of all State-owned buildings, appendages, and appurtenances thereto based upon replacement value in the first instance and upon depreciated value in the second instance. Appraisals shall be furnished upon request to the Commissioner of Buildings and General Services, departments and agencies concerned, and appropriate committees of the General Assembly.

* * *

Sec. E.105 3 V.S.A. § 3303 is amended to read:

§ 3303 REPORTING, RECORDS, AND REVIEW REQUIREMENTS

* * *

(c) Strategic plan. The Secretary shall prepare and submit a strategic plan for information technology and cybersecurity, concurrent with the Governor's annual budget request required under 32 V.S.A. § 306. The strategic plan shall include:

* * *

Sec. E.111 Tax – administration/collection

(a) Of the appropriation in Sec. B.111 of this act, \$15,000 is from the Current Use Administration Special Fund established by 32 V.S.A. § 9610(c) and shall be appropriated for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

Sec. E.112 STATE ENERGY MANAGEMENT PROGRAM

(a) The Buildings and General Services State Energy Management Program may charge for technical assistance it provides to municipalities at an amount equal to time and cost.

Sec. E.125 LEGISLATIVE COUNSEL POSITIONS

(a) One permanent exempt position, Paralegal, is authorized for establishment in fiscal year 2022.

(b) One exempt limited service position, Legislative Counsel, is authorized for establishment in fiscal year 2022.

Sec. E.126 TRANSFER OF FUNDS WITHIN LEGISLATIVE BRANCH

(a) Notwithstanding 32 V.S.A. § 706, in fiscal year 2022, appropriations within the Legislative Branch may be transferred between respective offices to ensure a balanced close-out in the fiscal year.

Sec. E.126.1 LEGISLATIVE INFORMATION TECHNOLOGY POSITION

(a) One permanent exempt position, Web Developer, is authorized for establishment in fiscal year 2022.

Sec. E.126.2 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.127 JOINT FISCAL OFFICE POSITION

(a) One permanent exempt position, Fiscal Analyst, is authorized for establishment in fiscal year 2022.

Sec. E.128 SERGEANT AT ARMS – CAPITOL POLICE OFFICER POSITION

(a) One permanent exempt position, Capitol Police Officer, is authorized for establishment in fiscal year 2022.

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 subdivisions 163(1) ~~and, 163(2), and 5404a(1)~~ of this ~~subchapter title~~ 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 subdivisions 163(1) ~~and, 163(2), and 5404a(1)~~ of this ~~subchapter title~~ 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 title~~ shall be approved by the Secretary of Administration.

Sec. E.130.1 32 V.S.A. § 5404a is amended to read:

§ 5404a. TAX STABILIZATION AGREEMENTS; TAX INCREMENT FINANCING DISTRICTS

* * *

(l) ~~The State Auditor of Accounts shall conduct performance audits of all tax increment financing districts according to a schedule, which will be arrived at in consultation with the Vermont Economic Progress Council.~~ The cost of conducting each audit shall be considered a “related cost” as defined in 24 V.S.A. § 1891(6) and shall be billed back to the municipality pursuant to subsection 168(b) of this title. Audits conducted pursuant to this subsection shall include a review of a municipality’s adherence to relevant statutes and rules adopted by the Vermont Economic Progress Council pursuant to subsection (j) of this section, an assessment of record keeping related to revenues and expenditures, and a validation of the portion of the tax increment retained by the municipality and used for debt repayment and the portion directed to the Education Fund.

* * *

Sec. E.133 VERMONT STATE RETIREMENT SYSTEM

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2022, investment fees shall be paid from the corpus of the Fund.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec. B.139 of this act, \$9,000 shall be transferred to the Attorney General and \$70,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. and its successor Great River Hydro, LLC in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. E.142 PAYMENTS IN LIEU OF TAXES

(a) This appropriation is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.143 PAYMENTS IN LIEU OF TAXES – MONTPELIER

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.144 PAYMENTS IN LIEU OF TAXES – CORRECTIONAL FACILITIES

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

* * * Protection to Persons and Property * * *

Sec. E.200 ATTORNEY GENERAL

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the State share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the State share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$1,390,500 is appropriated in Sec. B.200 of this act.

Sec. E.207 24 V.S.A. § 290 is amended to read:

§ 290. COUNTY SHERIFF'S DEPARTMENT

* * *

~~(b) Full-time deputy sheriffs whose primary responsibility is transportation of prisoners and persons with a mental condition or psychiatric disability shall be paid by the State of Vermont. The appointment of such deputies and their salary shall be approved by the Governor or his or her designee. The Executive Committee of the Vermont Sheriffs Association and the Executive Director of the Department of State's Attorneys and Sheriffs shall jointly have authority for the assignment of position locations in the counties of State-paid deputy sheriffs and shall review the county location assignments periodically for efficient use of resources. [Repealed.]~~

* * *

Sec. E.207.1 SHERIFFS; TRANSPORT DEPUTIES; TRANSITION

(a) Effective October 1, 2021, full-time deputy sheriffs whose primary responsibility is transportation of prisoners and individuals with a mental condition or psychiatric disability shall cease to be paid by the State of Vermont.

(b) Commencing on October 1, 2021, full-time deputy sheriffs whose primary responsibility is transportation of prisoners and individuals with a mental condition or psychiatric disability shall:

(1) serve at the pleasure of the elected sheriff in the county to which they are assigned on that date;

(2) be paid by the county for service performed on and after October 1, 2021; and

(3) be subject to the provisions of 24 V.S.A. § 290(a) as full-time employees of the sheriff's department.

Sec. E.207.2. 24 V.S.A. § 367 is amended to read:

§ 367. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS

* * *

(c)(1) The Executive Director shall prepare and submit all budgetary and financial materials and forms that are required of the head of a department of State government with respect to all State funds appropriated for all of the Vermont State's Attorneys and sheriffs. At the beginning of each fiscal year, the Executive Director, with the approval of the Executive Committee, shall establish allocations for each of the State's Attorneys' offices from the State's Attorneys' appropriation. Thereafter, the Executive Director shall exercise budgetary control over these allocations and the general appropriation for State's Attorneys. ~~The Executive Director shall monitor the sheriff's transport budget and report to the sheriffs on a monthly basis the status of the budget.~~ He or she shall provide centralized support services for the State's Attorneys and sheriffs with respect to budgetary planning, training, and office management, and perform such other duties as the Executive Committee directs. The Executive Director may employ clerical staff as needed to carry out the functions of the Department.

* * *

Sec. E.208 PUBLIC SAFETY – ADMINISTRATION

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with the Essex County Sheriff's Department to provide law enforcement service activities agreed upon by both the Commissioner of Public Safety and the Sheriff.

Sec. E.209 PUBLIC SAFETY – STATE POLICE

(a) Of the appropriation 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 appropriation 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.

Sec. E.212 PUBLIC SAFETY – FIRE SAFETY

(a) Of this General Fund appropriation 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 \$1,119,834 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

Sec. E.219 MILITARY – VETERANS’ AFFAIRS

(a) Of this appropriation 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 VICTIMS SERVICES

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victims Services shall transfer \$52,624 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.220.1 STUDY COMMITTEE ON PROGRAM FUNDING
RELATED TO CRIMINAL JUSTICE FINES, FEES,
PENALTIES AND SURCHARGES

(a) There is created a Study Committee on the funding of State programs that are reliant on criminal justice fines, fees, penalties and surcharges to provide services and accomplish their respective statutory missions. The purpose of the Committee is to address an anticipated decrease in available

revenue for these various programs and to develop a financial plan of action that will ensure that these programs will be able to provide these services.

(b) The Committee shall be composed of:

(1) one Representative from each of the House Committees on Appropriations, on Judiciary, and on Ways and Means appointed by the Speaker of the House.

(2) one Senator from each of the Senate Committees on Appropriations, on Judiciary, and on Finance appointed by the Committee on Committees.

(3) the Chief Justice of the Supreme Court or his designee.

(4) one representative from the Agency of Administration, appointed by the Secretary of Administration.

(5) the Executive Director of the Vermont Center for Crime Victims Services (CCVS).

(6) the Executive Director of the Vermont Network Against Domestic and Sexual Violence;

(7) the Attorney General or designee;

(8) the Commissioner of Public Safety or designee; and

(9) the Commissioner of the Department for Children and Families or designee.

(c) the Chief Justice of the Supreme Court or designee shall call the first meeting of the Committee on or before July 15, 2021. The members of the Committee shall elect a Chair, who shall convene meetings and set meeting agendas.

(d) Powers and Duties of the Committee. The Committee shall:

(1) review and inventory the programs funded by criminal justice fines, fees, penalties and surcharges as well any other funding source that are consistently or on an ad hoc basis provided to these programs;

(2) analyze the factors that affect the revenue generated the various criminal justice fines, fees, penalties and surcharges including past and current trends;

(3) identify strategies that the State can engage in that will provide a sustainable funding source for these programs into the future; and

(4) specifically in regard to the programs of the CCVS, the committee shall analyze victim service programs mandated by State statute and funded

with state special funds, including what services are provided, who provides the services, where services are provided, and when services are provided and consider the viability of phasing out the use of special funds for victim services over a five-year period and replacing special funds with other funding sources, including the General Fund.

(e) For purposes of its study of these issues, the Committee shall have the assistance of the Department of Finance and Management, the CCVS, the Office of Legislative Counsel, and the Joint Fiscal Office.

(f) On or before November 15, 2021, the Committee shall report to the House Committees on Appropriations, on Judiciary, and on Ways and Means and Senate Committees on Appropriations, on Judiciary, and on Finance on its findings and any legislative or administrative recommendations.

(g) The Committee shall meet not more than six times and shall cease to exist upon filing its report. For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to compensation and reimbursement for expenses under 2 V.S.A. § 23.

Sec. E.227 DEPARTMENT OF FINANCIAL REGULATION; ESSENTIAL
HEALTH BENEFITS; BENCHMARK PLAN REVIEW

(a) The Department of Financial Regulation, in consultation with the Department of Vermont Health Access; the Director of Health Care Reform in the Agency of Human Services; the Green Mountain Care Board; representatives of health care consumers, health care providers, and health insurers; and other interested stakeholders, shall review Vermont's benchmark plan establishing the State's essential health benefits to determine whether to recommend requesting approval from the Centers for Medicare and Medicaid Services to modify the benchmark plan. As part of its review, the Department shall determine the potential impacts of modifying the benchmark plan to include coverage of each of the following:

- (1) hearing aids;
- (2) dentures;
- (3) vision care;
- (4) durable medical equipment; and
- (5) fertility services.

(b) On or before January 15, 2022, the Department of Financial Regulation shall provide the results of its benchmark plan review, including the impacts of adding coverage for each of the items listed in subdivisions (a)(1)–(5) of this section, and any recommendations for modifications to Vermont's

benchmark plan, to the House Committees on Health Care and on Human Services and the Senate Committees on Health and Welfare and on Finance.

Sec. E.222 2019 Acts and Resolves No. 83, Sec. 3, as amended by 2020 Acts and Resolves No. 129, Sec. 24 is further amended to read:

Sec. 3. PAYMENT FOR ECOSYSTEM SERVICES AND SOIL HEALTH WORKING GROUP

* * *

(4) The Working Group shall cease to exist on February 1, 2022 2023.

(d) On or before January 15, 2022 2023, the Secretary of Agriculture, Food and Markets shall submit to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry a report that shall include:

* * *

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.

Sec. E.234 10 V.S.A. § 581 is amended to read:

§ 581. BUILDING EFFICIENCY GOALS

It shall be goals of the State:

(1) To improve substantially the energy fitness of at least 20 percent of the State's housing stock by 2017 (more than 60,000 housing units), and 25 percent of the State's housing stock by 2020 (approximately 80,000 housing units) 120,000 housing units and reduce greenhouse gas emissions by 0.15 MMTCO₂e by 2031.

* * *

(4) To save Vermont families and businesses a total of \$1.5 billion on their fuel bills over the lifetimes of the improvements and measures installed between 2008 and 2017.

(5) To increase weatherization services to low-income Vermonters by expanding the number of units weatherized or the scope of services provided,

or both, as revenue becomes available in the Home Weatherization Assistance Fund.

Sec. E. 234.1 33 V.S.A. § 2502 is amended to read:

§ 2502. HOME WEATHERIZATION ASSISTANCE PROGRAM

(a) The Director of the State Office of Economic Opportunity shall administer the Home Weatherization Assistance Program under such rules, regulations, funding, and funding requirements as may be imposed by federal law.

(b) In addition, the Director shall supplement, or supplant, any federal program with the State Home Weatherization Assistance Program.

* * *

(3) The Director, in collaboration with the weatherization service providers and other stakeholders, shall develop the State program so that it will include:

* * *

(D) Eliminating the lien requirements on weatherized rental properties, so long as the landlord executes a rent stabilization agreement which has a term of at least one year.

(E) Generally, allowing flexibility to accommodate special circumstances in which greater energy savings can be realized or health and safety problems may be alleviated.

(F) Increasing the number of low-income homes weatherized each year, or the scope of services provided, or both, to reflect increased revenues in the Home Weatherization Assistance Fund.

(G) With respect to multi-family buildings housing recipients of home heating fuel assistance under chapter 26 of this title, targeted outreach efforts to ensure the highest weatherization participation rates by owners of such buildings.

(H) Working to achieve the State's energy savings and carbon emissions reduction goals, including those in 10 V.S.A. § 581.

* * *

Sec. E.234.2 PUBLIC UTILITY COMMISSION PROCEEDING

(a) On or before December 17, 2021, the Public Utility Commission shall report to the General Assembly on its recommendations concerning the implementation of a volumetric thermal energy efficiency charge to provide supplemental funding for thermal energy efficiency programs including those

implemented pursuant to 30 V.S.A. § 209(e) and (g). The report shall include the following:

(1) criteria for establishing the amount of the thermal energy efficiency charge, including the size of annual thermal energy efficiency program budgets and accounting for existing or new sources of funding for those programs over time;

(2) whether the supplemental funding provided by the thermal energy efficiency charge should be directed to an entity other than an entity appointed by the Commission pursuant to 30 V.S.A. § 209(d)(2)(B) to provide efficiency programs and services to thermal energy customers;

(3) how to incentivize the installation of clean energy heating systems and phase out the use of heating systems with high amounts of emissions; and

(4) any statutory amendments necessary to implement its recommendations.

Sec. E.234.3 DEVELOPMENT OF WEATHERIZATION WORKFORCE AND COUNSELING SERVICES; REPORTS

(a) Weatherization Workforce Report.

(1) On or before June 15, 2021, the Chairs of the Senate Committee on Natural Resources and Energy and the House Committee on Energy and Technology, or their designees, shall meet with the Department of Labor, the Agency of Education, Efficiency Vermont, representatives of the Community Action Agencies, NeighborWorks of Western Vermont, the Vermont Fuel Dealers Association, and other parties currently delivering programming to train workers to perform services related to thermal energy savings and weatherization.

(2) Thereafter, Efficiency Vermont shall lead the Weatherization Workforce Group that shall develop plans for the coordinated delivery of a standardized statewide Building Sciences curriculum that includes weatherization. The curriculum shall be designed to establish a career pathway in energy efficiency construction and shall include a certification that is broadly recognized, transparent, and portable.

(3) On or before October 1, 2021, Efficiency Vermont shall report to the Senate Committee on Natural Resources and Energy and the House Committee on Energy and Technology a plan for enhancing the coordinated delivery of the standardized Building Sciences training program in order to support the goals of 10 V.S.A. § 581.

(b) Energy Savings Counseling Report.

(1) On or before June 30, 2021, the Chairs of the Senate Committee on Natural Resources and Energy and the House Committee on Energy and Technology, or their designees shall meet with the Office of Economic Opportunity, the directors of the Community Action Agencies, Efficiency Vermont, NeighborWorks of Western Vermont, and other parties currently providing outreach and counseling services to Vermonters with low and moderate income for the State's energy savings programs, including thermal and transportation energy efficiency programs.

(2) Thereafter, the Office of Economic Opportunity shall lead the Energy Savings Counseling Group that shall develop a plan for the coordinated and effective delivery of counseling services designed to enroll and deliver energy savings programs to their target service populations.

(3) On or before October 15, 2021, the Office of Economic Opportunity shall report to the Senate Committee on Natural Resources and Energy and the House Committee on Energy and Technology a plan for coordinating and enhancing their counseling services to Vermonters with low and moderate-income who could benefit from the State's energy savings programs, including thermal and transportation energy efficiency programs.

Sec. E.234.4 30 V.S.A. § 35 is added to read:

§ 35. ENERGY SAVINGS FUND

(a) There is established the Energy Savings Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. This Fund shall be administered by the Department of Public Service to fund a variety of programs that will increase energy savings. Monies in the Fund shall be used solely for energy savings programs and for necessary costs incurred in administering the Fund. The Department may create programs to be funded, including weatherization and transportation programs.

(b) The Fund shall be made up of any funds appropriated to or deposited into the Fund.

(c) The funds shall only be used to fund projects for which federal funds are not currently available.

Sec. E.235 STUDY; E-911 SPECIAL FUND

(a) The Agency of Administration shall review the existing statutory funding streams for the Enhanced 911 Special Fund and shall propose changes or additions as necessary to ensure the long-term sustainability of the E-911 Board's operations. On or before January 15, 2022, the Secretary of Administration shall report his or her findings and recommendations to the House Committees on Energy and Technology, on Government Operations,

on Ways and Means, and on Appropriations and the Senate Committees on Finance and on Appropriations. As a part of this review and report, the Administration shall specifically provide comment or recommendation on the proposals related to capacity of the Universal Service Fund contained in the report issued pursuant to 2020 Acts and Resolves No. 137, Sec. 19 (PEG study).

* * * Human Services * * *

Sec. E.300 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.300.1 2020 Acts and Resolves No. 155, Sec. 2 is amended to read:

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~~ October 15, 2021. The Board shall review and approve the plan within 30 days following receipt.

(b) On or before ~~August 15~~ December 1, 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.

E. 300.2 AGENCY OF HUMAN SERVICES; ALL PAYER
ACCOUNTABLE CARE ORGANIZATION MODEL;
DELIVERY SYSTEM REFORM; HEALTH INFORMATION
TECHNOLOGY

(a) The Agency of Human Services is authorized to carry forward the sum of \$3,900,000 in Global Commitment funds to fiscal year 2022 for the following purposes related to implementation of the All-Payer Accountable Care Organization (ACO) Model:

(1) health information technology projects, including:

(A) a hypertension and diabetes identification and management tool to support clinical decision making; and

(B) just-in-time clinical data reporting for quality improvement to support clinical decision making; and

(2) delivery system reform projects focused on implementation of the care model, including expanding trainings and performance improvement activities, and continuation of the Longitudinal Care Home Health Program and the Developmental Understanding and Legal Collaboration for Everyone (DULCE) Program.

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT:

(a) The Agency of Human Services shall use the funds appropriated in Sec. B.301 of this act 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 \$24,993,731 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$22,220,000 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount, combined with \$28,280,000 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) \$2,773,731 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(c) Up to \$4,618,437 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.301.1 GLOBAL COMMITMENT WAIVER AMENDMENT

(a) The Secretary of the Agency of Human Services is authorized to seek to extend or renew Vermont's Global Commitment to Health Section 1115 Demonstration Waiver, which is currently set to expire on December 31, 2021. The Agency of Human Services shall strive to maintain or increase the State's flexibility to use Global Commitment investment dollars to increase access to care and coverage, improve health outcomes, strengthen health care

delivery , and promote transformation to value-based and integrated models of care.

Sec. E.301.2 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER;
REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2022, 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 2022 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. E.301.3 GLOBAL COMMITMENT: CARRYFORWARD RESERVE
TO SUSTAIN HOME AND COMMUNITY-BASED
PROGRAM FUNDING INCREASES

(a) To the extent that federal guidance related to Section 9817 of ARPA (one-year 10 percent FMAP increase for home and community-based programs) allow, State general funds appropriated in Sec. B.301 of this act that are unexpended in fiscal year 2022 as a result of this FMAP increase shall carryforward. This carry forward shall be available in future years to provide the State match in order to sustain the fiscal year 2022 increases in funding to statewide home- and community-based programs.

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, 2022, but only in the event that new state or federal law or guidance requires 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.306.1 33 V.S.A. § 1805 is amended to read:

§ 1805 DUTIES AND RESPONSIBILITIES

The Vermont Health Benefit Exchange shall have the following duties and responsibilities consistent with the Affordable Care Act:

* * *

~~(C) collecting premium payments made for qualified health benefit plans from employers and individuals on a pretax basis, including collecting premium payments from multiple employers of one individual for a single plan covering that individual; and~~

~~(D)~~(C) creating a simplified and uniform system for the administration of health benefits.

* * *

(6) Determining enrollee premiums and subsidies as required by the Secretary of the U.S. Department of the Treasury or of the U.S. Department of Health and Human Services and informing consumers of eligibility for premiums and subsidies, including by providing an electronic calculator to determine the actual cost of coverage after application of any premium tax credit under Section 36B of the Internal Revenue Code of 1986 and any cost-sharing reduction under Section 1402 of the Affordable Care Act.

* * *

Sec. E.311 AGENCY OF HUMAN SERVICES; DESIGNATED AND SPECIALIZED SERVICE AGENCIES; WORKFORCE DEVELOPMENT

(a) The Agency of Human Services shall distribute the funds remaining from the \$5,000,000 appropriated to the Agency to make strategic investments in order to expand the supply of high-quality mental health and substance use disorder treatment professionals in 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. 106.1 to the designated and specialized service agencies equitably based on each agency's proportion of full-time equivalent (FTE) mental health and substance use disorder treatment staff to the total number of FTE mental health and substance use disorder treatment staff across all designated and specialized service agencies statewide. The designated and specialized service agencies shall use these funds for loan repayment and tuition assistance to promote the recruitment and retention of high-quality mental health and substance use disorder treatment professionals available to Vermont residents in need of their services, as set forth in subsection (b) of this section.

(b)(1) Each designated and specialized service agency shall make the funds received pursuant to subsection (a) of this section available to its current and prospective employees as set forth in subdivisions (A) and (B) of this subdivision (1) on a rolling basis in exchange for a one-year service obligation to provide mental health services or substance use disorder treatment services, or both, at a designated or specialized service agency in this State. The funds may be used for the following purposes:

(A) loan repayment for master's-level clinicians, bachelor's-level direct service staff, and nurses; and

(B) tuition assistance for individuals pursuing degrees to become master's-level clinicians, bachelor's-level direct service staff, and nurses.

(2) Loan repayment and tuition assistance funds shall be available to the current and prospective employees of designated and specialized service agencies in the form of forgivable loans, with the debt forgiven upon an employee's completion of the required service obligation.

(c) Until the funds have been fully expended, the Agency of Human Services shall provide quarterly reports to the House Committees on Appropriations, on Health Care, and on Human Services; the Senate Committees on Appropriations and on Health and Welfare; and the Health Reform Oversight Committee with information on the following:

(1) the specific designated and specialized service agencies that have received funds to date and the programs within each of those agencies in which the financial assistance recipients will deliver services;

(2) the amount of financial assistance funding provided to each recipient;

(3) the specific degrees or certificates toward which the tuition assistance recipients are working and those earned by loan repayment recipients; and

(4) the number of new employees attracted to the designated and specialized service agencies as a result of the financial assistance, their fields of study, and the programs in which they deliver services.

Sec. E.311.1. 18 V.S.A. § 33 is amended to read:

§ 33. UNIVERSITY OF VERMONT COLLEGE OF MEDICINE;
MEDICAL STUDENT INCENTIVE SCHOLARSHIP PROGRAM

(a) The Department of Health, in collaboration with the Office of Primary Care and Area Health Education Centers Program (AHEC) at the University of Vermont College of Medicine (AHEC) and the Vermont Student Assistance

~~Corporation (VSAC), shall establish a primary care physician scholarship program~~ Medical Student Incentive Scholarship Program at the University of Vermont College of Medicine. The purpose of the Program is to strengthen the workforce pipeline and increase the number of new physicians practicing in Vermont to meet the health care needs of Vermonters, with a focus on rural areas and undersupplied medical specialties. 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)(1) Scholarships shall be awarded to up to 10 students annually who commit to practicing in a medical specialty priority area, as set forth in subdivision (c)(2) of this section, in a region of Vermont other than Chittenden County, in a practice site that is not owned by an academic medical center and that accepts patients who are covered by Medicaid, Medicare, or other publicly funded health benefit program.

(2) Students shall be eligible to participate in the Medical Student Incentive Scholarship Program in their third and fourth year of medical school. A student who receives an incentive scholarship for the third year of medical school shall be eligible to receive another incentive scholarship for the fourth year of medical school.

(3) Each incentive scholarship award shall be for an amount not less than the in-state tuition rate for the University of Vermont College of Medicine.

(c)(1) For each academic year of incentive scholarship received, the recipient shall incur a full-time service obligation of not less than one year in a medical specialty priority area and in a setting that meets the requirements of subdivision (b)(1) of this section.

(2) The medical specialty priority area shall be primary care; 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, adult primary care, pediatrics primary care, obstetrics-gynecology, and psychiatry.

(e)(3) A An incentive scholarship recipient who does not fulfill the service obligation commitment to practice primary care in Vermont 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 and penalty.

(d)(1) The Medical Student Incentive Scholarship Program shall be administered in compliance with federal financial aid regulations and the Internal Revenue Code.

(2) Payments shall be made directly to the recipient's University of Vermont student financial services account.

(3) The full terms and conditions of the award shall be described in the award contract or promissory note and shall be binding once the contract or note is fully executed.

(4) AHEC and VSAC shall enter into a memorandum of understanding establishing their respective responsibilities for administering the Medical Student Incentive Scholarship Program. The memorandum of understanding shall be subject to the approval of the Department of Health.

(e)(1) The Commissioner of Health, in consultation with AHEC and VSAC, may establish additional medical specialties, recipient eligibility criteria, selection criteria, award terms and conditions, and evidence-based best practices to meet the purposes of the Medical Student Incentive Scholarship Program on an annual basis to best respond to Vermont's needs for physician workforce and access to health care.

(2) The Commissioner of Health may adopt rules in accordance with 3 V.S.A. chapter 25 in order to plan, implement, maintain, and evaluate the Medical Student Incentive Scholarship Program established in this section.

Sec. E.311.2 2020 Acts and Resolves No. 155, Sec. 7a is amended to read:

Sec. 7a. SUNSET

18 V.S.A. § 33 (medical students; primary care) is repealed on July 1, 2022 2027.

Sec. E.311.3 NURSE SCHOLARSHIP AND UNIVERSITY OF VERMONT
COLLEGE OF MEDICINE; MEDICAL STUDENT
INCENTIVE SCHOLARSHIP PROGRAM;
APPROPRIATION

(a) Of the Global Commitment funds appropriated in Sec. B.311 of this act to the Department of Health, the sum of \$2,272,727 shall be transferred to

Vermont Student Assistance Corporation in fiscal year 2022 for scholarships for nurse students who commit to practice in Vermont and for medical students who commit to practicing primary care in this State in accordance with 18 V.S.A. § 33. The Medical Student Incentive funds shall be available for distribution following approval of the initial memorandum of understanding between the Office of Primary Care and Area Health Education Centers Program at the University of Vermont College of Medicine (AHEC) and the Vermont Student Assistance Corporation (VSAC).

Sec. E.312 HEALTH – PUBLIC HEALTH

(a) AIDS/HIV funding.

(1) In fiscal year 2022, 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 2022, 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 2022, 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 2022. Grant reporting shall include outcomes and results.

(6) In fiscal year 2022, the Department of Health shall not reduce any grants to the Vermont AIDS service and peer-support organizations from funds appropriated for AIDS/HIV services to levels below those in fiscal year 2020 without receiving prior approval from the Joint Fiscal Committee.

Sec. E.318 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 child care provider, family child care 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 child care 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.318.1 DEPARTMENT FOR CHILDREN AND FAMILIES;
SPECIALIZED CHILD CARE TRANSPORTATION

(a) It is the intent of the General Assembly that there be no reduction in specialized childcare transportation services provided by the Department for Children and Families resulting from a statewide transportation contract. Should a more cost-effective, coordinated system of specialized child care transportation not be attainable by the move to a statewide contract in fiscal year 2022, the program shall revert to a commensurate base funding level and program parameters that were in place during fiscal year 2021. Any changes to transportation services shall not decrease the expeditious authorization of services to families.

Sec. E.318.2 CHILD CARE PROVIDER STABILIZATION GRANTS

(a) Of the funds provided in fiscal year 2022 in Sec. B.318 of this act, \$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 childcare program or family child care home in good regulatory standings;

(2) participate in the Childcare Financial Assistance Program (CCFAP);

(3) provide year-round, full day childcare and early learning services;

(4) provide childcare and early learning services for infants and toddlers; and

(5) participate in the Step Ahead Recognition System (STARS).

(c) Center-based childcare program 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.318.3 AMERICAN RESCUE PLAN ACT OF 2021; CHILD CARE
STABILIZATION GRANTS: APPROPRIATION AND PLAN
REQUIREMENT

(a) In fiscal year 2022, the amount of \$14,700,000 is appropriated to the Department for Children and Families Division of Child Development from the Federal Funds available under the Child Care Stabilization Grants funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2. Of this appropriation, \$700,000 shall be allocated for current and prospective early childhood provider scholarships programs; \$1,800,000 shall be allocated for early childhood student loan repayment; and \$100,000 shall be transferred to Vermont Department of Labor for the pre-apprenticeship program in Early Childhood Education provided by Vermont Career and Technical Education centers.

(b) On or before September 1, 2021, the Department for Children and Families, in consultation with stakeholders, including individuals who are Black, Indigenous, and Persons of Color, shall submit a plan on the proposed use of the Child Care Stabilization Grants funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2, in excess of funds appropriated or authorized under subsection (a) of this section for review and acceptance by the Joint Fiscal Committee at their September 2021 meeting. The plan shall concurrently be provided to the Chairs of the House Committee on Human Services and of the Senate Committee on Health and Welfare for input prior to action by the Joint Fiscal Committee. To the extent permissible, the plan shall specifically address the fiscal impact of the pandemic on Head Start programs statewide.

(c) Notwithstanding 32 V.S.A. § 5, funds from the American Rescue Plan Act of 2021 Child Care Stabilization Grants Fund shall be deposited into the State Treasury and are hereby accepted and shall be spent subject to appropriation. Excess receipts authority may be granted only in the event that the appropriation in subsection (a) of this section are not sufficient to support childcare providers prior to the fiscal year 2022 budget adjustment process and the funds are used consistent with the plan accepted pursuant to subsection (b) of this section.

Sec. E.321 GENERAL/EMERGENCY ASSISTANCE HOUSING

(a) Funds appropriated to the Department for Children and Families in the General/Emergency Assistance program in fiscal year 2022 shall be used to provide emergency housing in accordance with program rules waived or varied under 2021 Acts and Resolves No, 6, Sec. 1. The purpose of emergency housing is to ensure short-term housing for vulnerable segments of the population experiencing homelessness and housing insecurity to the extent

that such housing does not exceed hotel room and motel room capacity within the State and expenditures for such housing do not exceed available State and federal funds. The assistance provided under this section is not an entitlement and may be discontinued upon the expenditure of the appropriated funds.

(b) During the COVID-19 pandemic, the Department for Children and Families temporarily expanded eligibility for emergency housing through the General/Emergency Assistance program in response to the public health emergency. The General Assembly and the Administration acknowledge that this approach is neither financially nor programmatically sustainable. The Commissioner for Children and Families, in consultation with the emergency housing working group established by the House Appropriations Committee, has identified and shall implement new emergency housing eligibility criteria. The new eligibility criteria shall remain in effect for the duration of fiscal year 2022 unless there is a need to expand eligibility in response to a public health emergency or other emergency.

(c) The Department for Children and Families is authorized to create 17 limited service positions to process applications for emergency housing and comply with federal funding requirements for State fiscal year 2022.

(d) The Commissioner for Children and Families may, by policy, provide emergency 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 EMERGENCY HOUSING

(a) For fiscal year 2022, the Department for Children and Families 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 Department 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 should there not be sufficient funds.

Sec. E.321.2 EMERGENCY HOUSING WORKGROUP

(a) The Department for Children and Families shall continue to use the General Assistance Emergency Housing Workgroup, convened in March 2021, to make recommendations to the Commissioner for Children and Families on the design and implementation of a sustainable, long-term plan for providing emergency housing for fiscal year 2023 that reduces or ends reliance, or both, on the General/Emergency Assistance Motel Voucher Program. This workgroup shall consider investments needed to build local capacity to support emergency housing needs, which may include funding, training, technical assistance, and planning support. The Department for Children and Families and Workgroup shall also consider the Governor's proposed permanent housing initiative when developing its recommendations.

(b) On or before November 1, 2021, the Department for Children and Families shall submit a written report to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare with recommendations on the development of a sustainable, long-term plan for emergency housing.

(c) The Department shall continue to engage interested local and statewide parties, including the Continua of Care, service providers, people with lived experience, and representatives of Vermont's health care system, in the design, implementation, and evaluation of housing assistance programs and community-based alternatives to General/Emergency Assistance emergency housing.

Sec. E.321.3 IMPLEMENTATION OF THE REPORT

(a) The Department for Children and Families shall implement the identified sustainable housing plan on July 1, 2022 in line with recommendations made in the November 1, 2021 written report. The Department for Children and Families shall take into consideration steps necessary to ensure an effective and efficient transition that reduces or ends reliance, or both on the General/Emergency Assistance Motel Voucher Program effective June 30, 2022.

Sec. E. 323 REACH UP – FISCAL YEAR 2022 ONE-TIME USE OF
UNDERUTILIZED FUNDS

(a) To the extent that funds appropriated to the Reach Up program in fiscal year 2022 are not utilized as a result of caseload estimates being less than anticipated, funds shall carryforward and be used for a one-time payment to participating families in fiscal year 2023. The Department for Children and Families shall report to the Joint Fiscal Committee at their September 2022 meeting on the status of funds available and timing of one-time payments to participating families.

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, \$6,699,440 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. Funds shall be administered in consultation with 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.327 REPEAL

33 V.S.A. chapter 58 (Woodside Juvenile Rehabilitation Center) is repealed.

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS
TRANSFER; JUSTICE REINVESTMENT; REPORT

(a) In fiscal year 2022, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services;

provided, however, that no transfer shall be made from 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.

(b) In fiscal year 2022, any unexpended funds for correctional services out-of-state beds shall be carried forward to fiscal year 2023, and the amount reported to the Joint Legislative Justice Oversight Committee in September 2022, to support community-based service programs. Funds may only be expended on community-based service programs upon approval of the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Institutions following a recommendation from the Joint Legislative Justice Oversight Committee.

Sec. E.335.1 CORRECTIONAL OFFICERS; BODY-WORN CAMERA
POLICY AND DEPLOYMENT

(a) Deployment. The Department of Corrections shall not deploy body-worn cameras until it adopts a policy on their use, including the storage and retention of records, and trains its staff in accordance with the policy.

(b) Policy development. In developing the policy as required by this section, the Department shall:

(1) consider the implications of:

(A) the offender programming it provides; and

(B) the collective bargaining agreement it operates under; and

(2) consult with the Vermont Criminal Justice Council, the America Civil Liberties Union, the Prisoner's Rights Office, the Human Rights Commission, the Vermont State Employees' Association, statewide groups representing individuals with lived experience of incarceration, and any other stakeholder group as determined by the Department.

(c) Reports.

(1) The Department shall provide a progress report to the Joint Legislative Justice Oversight Committee on or before September 15, 2021 on the status of the policy development.

(2) On or before January 15, 2022, the Department shall present to the House Committee on Corrections and Institutions, the Senate Committee on Judiciary, and the House and Senate Committees on Government Operations its policy regarding the use of body-worn cameras for correctional officers.

(d) Funding. The Department shall identify the ongoing cost and funding source for the use of body-worn cameras, including training, data storage, and redaction, and report these findings to the Joint Fiscal and the Joint Justice Oversight Committees on or before September 15, 2021. The Department shall provide a report to the House and Senate Committees on Appropriations on or before February 15, 2022 on the status of its deployment of body-worn cameras for correctional officers.

Sec. E.337 COMMUNITY HIGH SCHOOL OF VERMONT; FISCAL YEAR 2022

(a) It is the intent of the General Assembly that \$3,350,000 of funds from the Elementary and Secondary School Emergency Relief Fund, pursuant to Section 313(e) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, and statewide education agency funds, appropriated to the Agency of Education in Sec. B. 501 of this act, shall fund the Community High School of Vermont for fiscal year 2022.

Sec. E.338 CORRECTIONS - CORRECTIONAL SERVICES

(a) Notwithstanding 32 V.S.A. § 3709(a), the special funds appropriation of \$152,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

* * * K-12 Education * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in Sec. B.500 of this act shall 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.502 Education – special education; formula grants

(a) Of the appropriation authorized in B.502 of this act and notwithstanding any other provision of law, an amount not to exceed \$3,966,265 shall be used by the Agency of Education in fiscal year 2022 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.503 Education – state-placed students

(a) The Independence Place Program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

Sec. E.504.1 Education – flexible pathways

(a) Of the appropriation in Sec. B.504 of this act, \$2,100,000 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).

(b) 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);

(2) \$1,800,000 is available to support the Vermont Virtual High School;

(3) \$400,000 is available for secondary school reform grants;

(4) \$500,000 is available for the Vermont Academy of Science and Technology; and

(5) \$2,500,000 for Early College pursuant to 16 V.S.A. § 4011(e).

(c) Of this appropriation, \$921,500 from the General Fund is available for dual enrollment programs.

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 \$196,206,504 of which \$189,646,629 shall be the State's contribution and \$6,559,875 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, \$38,901,533 is the "normal contribution," and \$157,304,971 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), \$35,093,844 shall be contributed to the Retired Teachers' Health and Medical Benefits plan.

Sec. E. 515.1 16 V.S.A § 1944b is amended to read:

§ 1944b. RETIRED TEACHERS' HEALTH AND MEDICAL BENEFITS
FUND

* * *

(b) The Benefits Fund shall consist of:

* * *

(3) any monies pursuant to subsection ~~(e)~~(h) of this section; and

* * *

(h) Beginning on July 1, 2021, and annually thereafter, the annual contribution to be made to the Benefits Fund by the State shall be the sum of the following, each of which shall be made by separate appropriation:

(1) The amount determined by the State Treasurer to be necessary to pay all retiree health and medical benefits, including prescription drug benefits, due in accordance with subsection 1942(p) and section 1944e of this title on a pay-go basis for the fiscal year; plus

(2) The amount determined in the most recent actuarial valuation to be the "normal cost" for the same fiscal year as set forth in subsection (1) of this section, which shall be appropriated from the Education Fund. For purposes of this subsection, the "normal cost" shall be the amount that, if contributed over each member's prospective period of service, will be sufficient to provide for the payment of all future health and medical benefits after subtracting the unfunded actuarial liability and the total assets of the Benefits Fund. The "normal cost" shall be identified using the actuarial cost method known as "projected unit credit" and applying a rate of return equal to the most recently adopted actuarial rate of return pursuant to 3 V.S.A. § 523.

Sec. E.515.2 16 V.S.A § 4025(b)(4) is amended to read:

(4) To make payments to the Vermont Teachers' Retirement Fund and the Retired Teachers' Health and Medical Benefits Fund for the normal contribution in accordance with subsections 1944(c) and 1944b(h) of this title.

Sec. E.515.3 REPORT ON NORMAL COSTS AND OTHER
CHARGES TO BE PART OF SCHOOL BUDGETS.

(a) The Treasurer shall report on the following:

(1) The feasibility of moving the normal costs expenses from the Education Fund to local education agencies.

(2) Assessing federal grants for the normal costs of these benefits in a manner currently charged for teacher pensions whose funding is provided from federal grants or through federal reimbursement pursuant to § 1944c.

(3) Reimbursement for employer health care benefits through the Elementary and Secondary School Emergency Relief Fund. The report shall be submitted to the General Assembly on or before January 15, 2022.

* * * Higher Education * * *

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay 1/12 of this appropriation in Sec. B.600 of this act 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.

Sec. E.602 Vermont State Colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay 1/12 of the appropriation in Sec. B.602 of this act 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.602.1. 16 V.S.A. § 2187 is added to read:

§ 2187 PROPERTY TRANSACTIONS

Any sale, lease, demolition, or disposal of property by the Vermont State Colleges Corporation shall comply with the requirements of 32 V.S.A. § 962.

Sec. E.602.2 VERMONT STATE COLLEGES

(a) The Vermont State College (VSC) system shall transform itself into a fully integrated system that achieves financial stability in a responsible and sustainable way in order to meet each of these strategic priorities:

(1) Affordability. Ensure that student costs and debt obligations are not barriers to student access.

(2) Accessibility. Ensure that each VSC student, regardless of where the student's home campus is located, has increased access to academic opportunities, majors and courses across the statewide system.

(3) Relevance.

(A) Ensure that each VSC student is prepared for a lifelong career and personal success in the globally-competitive 21st century.

(B) Ensure that it offers educational programs that are:

(i) aligned with State workforce needs;

(ii) offered in a fiscally responsible manner; and

(iii) delivered in a manner that is relevant to current student and employer needs.

(b) VSC shall meet the following requirements during the transformation of its system required under subsection (a) of this section and shall accommodate the oversight of the General Assembly in so doing.

(1) VSC shall reduce its structural deficit by \$5,000,000.00 per year for five years through a combination of annual operating expense reductions and increased enrollment revenues, for a total of \$25,000,000.00 by the end of fiscal year 2026. These reductions shall be structural in nature and shall not be met by use of one-time funds. The VSC Board of Trustees, through the Chancellor or designee, shall report the results of these structural reductions to the House and Senate Committees on Education and the House and Senate Committees on Appropriations annually during the Chancellor's budget presentation.

(2) The VSC Board of Trustees shall develop and implement a 10-year strategic plan for managing its physical assets that is fiscally sustainable, maintains reasonable net asset value, and meets the needs of Vermont learners. On or before March 1, 2022, the Chancellor shall present this Board approved plan to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(3) VSC shall maintain its present campus locations as educational and student-support centers, recognizing that changes in overall campus size, governance and operational structures as well as program and service offerings may change as circumstances require.

(4) Beginning in fiscal year 2022 and through 2031, the VSC Board of Trustees, acting through the Chancellor or designee, shall brief, as part of the Chancellor's annual budget proposal, the House and Senate Committees on Appropriations and the House and Senate Committees on Education on:

(A) enrollment levels in courses offered by VSC, reported on the basis of courses with fewer than five students, courses with five to nine

students, courses with 10 to 14 students, and courses with 15 or more students, along with relevant information about these enrollment data;

(B) in order to demonstrate accessibility, the percentage of courses and programs offered by VSC on a statewide basis and on the formats in which they are offered;

(C) an assessment of affordability and accessibility within VSC and recommendations on how to improve them;

(D) retention statistics with corresponding trend lines and benchmarks;

(E) enrollment statistics that pertain to the student enrollment efforts authorized by the fiscal year 2022 Vermont budget bill with the net student revenue generated and discount rate applied in order to enroll the students, aggregated by cohort; and

(F) demographics of student enrollments aggregated by full-time and part-time students.

(5) To help optimize student opportunities, VSC shall complete implementation of seamless general education credit transfer between all of its constituent institutions by the end of fiscal year 2023.

(6) To ensure that VSC is meeting its responsibilities to Vermont businesses and communities, beginning in fiscal year 2022, the VSC Board of Trustees, through the Chancellor or designee, shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs, as part of the Chancellor's annual budget presentation, on advances in workforce readiness and meeting employer needs, including:

(A) employer and institutional partnerships with VSC;

(B) progress in meeting critical employer needs; and

(C) the number of degrees and credentials of value awarded.

(7) The VSC Board of Trustees, through the Chancellor or designee, shall provide, in a summary form, to the House and Senate Committees on Education and the House and Senate Committees on Appropriations, as part of the Chancellor's annual budget presentation, VSC's profit and loss statement based upon its annual October financial statement.

(8) The Chancellor shall ensure all VSC Board of Trustees policies are adhered to unless a process for an exception to a Board policy is used to situationally and temporarily amend a specific Board policy. The Chancellor shall establish policies and procedures to implement the Board approved

transformation plan as developed by the Select Committee on Higher Education. The Chancellor shall report the status or progress of these Board policies, as part of the Chancellor's annual budget presentation, to the House and Senate Committees on Education.

(9) The Chancellor shall report by institution the overall net student revenue and institutional discounting of tuition metrics with relevant trends.

(10) Regarding the deficit reduction plan, the Chancellor shall report the activities that have generated expense cuts as well as activities that will result in enhanced revenues as well as future plans that will continue both efforts.

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 that 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 the appropriation in B.605 of this act, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation (VSAC) to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of the appropriated amount remaining after accounting for subsection (a) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

(c) Of the total one-time funds appropriated in this act to VSAC, an amount up to six percent, but not to exceed \$100,000 in a fiscal year, may be used for staff expenses associated with administering the funds. Funds shall not be used for indirect costs.

Sec. E.605.1 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND EARLY COLLEGE STUDENTS

(a) The sum of \$82,500 is appropriated to the Vermont Student Assistance Corporation (VSAC) 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, 2022.

Sec. E.709 10 V.S.A. § 1283 is amended to read:

§ 1283. CONTINGENCY FUND

* * *

(b) Disbursements under this subsection may be made for emergency purposes or to respond to other than emergency situations; provided, however, that disbursements in response to an individual situation that is not an emergency situation shall not exceed ~~\$100,000.00 for costs attributable to each of the subdivisions of this subsection~~ \$350,000.00 for a response to a release of a hazardous material, unless the Secretary has received the approval of the General Assembly, or the Joint Fiscal Committee, in case the General Assembly is not in session. Furthermore, the balance in the Fund shall not be drawn below the amount of \$100,000.00, except in emergency situations. If the balance of the Fund becomes insufficient to allow a proper response to one or more emergencies that have occurred, the Secretary shall appear before the Emergency Board, as soon as possible, and shall request that necessary funds be provided. Within these limitations, disbursements from the Fund may be made:

* * *

Sec. E.709.1 ENVIRONMENTAL CONTINGENCY FUND; PCB
TESTING IN SCHOOLS

(a) Notwithstanding 10 V.S.A. § 1283, of the funds transferred in Sec. D.101(a) of this act to the Environmental Contingency Fund, the Department of Environmental Conservation, in consultation with the Department of Health and the Agency of Education, shall use up to \$4,500,000 to complete air indoor quality testing for Polychlorinated Biphenyls (PCBs) in public schools and approved and recognized independent schools.

* * * Vermont Housing Finance Agency; Weatherization * * *

Sec. E.802 10 V.S.A. § 621 is amended to read:

§ 621. GENERAL POWERS AND DUTIES

The Agency shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter, including those general powers provided a business corporation by 11A V.S.A. § 3.02 and those general powers provided a nonprofit corporation by 11B V.S.A. § 3.02 and including, without limiting the generality of the foregoing, the power to:

* * *

(22) issue bonds, notes, and other obligations secured by the property transfer tax revenues transferred to the Agency pursuant to 32 V.S.A. §9610(d)-; and

(23) develop a program to finance and promote housing weatherization using funds appropriated by the State, funds generated through issuing bonds, notes and other obligations of the Agency, and funds from other sources obtained through grants or other arrangements, giving priority to programs benefiting persons and families at or below 120 percent of median income with high energy burdens and to programs to expand the pool of qualified weatherization contractors in the State.

* * * Transportation * * *

Sec. E.900 NOTIFICATION OF USE OF AMERICAN RESCUE PLAN ACT FUNDS BY THE VERMONT AGENCY OF TRANSPORTATION

(a) The Secretary of the Agency of Transportation shall provide a written report to the Joint Fiscal Committee prior to utilizing Federal American Rescue Plan Act (ARPA) funds in place of funds appropriated in the fiscal year 2022 budget. The written report is for informational purposes and will not require Joint Fiscal Committee approval. If the substitutions are included in the Administration's recommended fiscal year 2022 Budget Adjustment bill, a separate written report of these substitutions shall be submitted to the House and Senate Committees on Appropriations as part of the testimony on the budget adjustment.

* * * Collective Bargaining Agreements; Fiscal Year 2022 * * *

Sec. F.100 COLLECTIVE BARGAINING AGREEMENTS; FISCAL YEAR 2022

(a) This act fully funds the collective bargaining agreements between the State and the Vermont State Employees' Association and the State and the

Vermont Troopers' Association for the period of July 1, 2021 through June 30, 2022. These collective bargaining agreements provide in fiscal year 2022 an average 1.9 percent step increase and 2.25 percent across-the-board increase for a total of 4.15 percent increase.

* * * Executive Branch; Exempt Employees; Fiscal Year 2022 * * *

Sec. F.101 EXECUTIVE BRANCH; EXEMPT EMPLOYEES;
PERMITTED SALARY INCREASES; FISCAL YEAR 2022

(a) Exempt employees in the Executive Branch may receive salary increases not to exceed the average rate of adjustment available to classified employees, which is 4.15 percent, in fiscal year 2022 beginning on July 4, 2021.

(b) The permitted increases set forth in subsection (a) of this section are consistent with the collective bargaining agreement between the State and the Vermont State Employees' Association for classified employees in the Executive Branch for fiscal year 2022.

Sec. F.102 EXECUTIVE BRANCH; EXEMPT AGENCY AND
DEPARTMENT HEADS, DEPUTIES, AND EXECUTIVE
ASSISTANTS; ANNUAL SALARY ADJUSTMENT AND
SPECIAL SALARY INCREASE OR BONUS

(a) For purposes of determining annual salary adjustments, special salary increases, and bonuses under 32 V.S.A. §§ 1003(b) and 1020(b), "the average rate of adjustment available to classified employees under the collective bargaining agreement" shall be, in fiscal year 2022, 4.15 percent.

Sec. F.103 32 V.S.A. § 1020 is amended to read:

§ 1020. SALARY ADJUSTMENT; APPROVAL OF GOVERNOR

(a) Compensation to be paid any officer or employee within the Executive Branch of State government shall be determined at the time the officer or employee is hired by the Governor or such person as the Governor shall designate, subject to any applicable statutory limits, other than:

- (1) an employee in the classified service;
- (2) a member of the uniformed State Police within the Department of Public Safety; or
- (3) an officer or employee whose compensation is specifically fixed by statute, ~~shall be determined at the time the officer or employee is hired by the Governor or such person as the Governor shall designate subject to any applicable statutory limits.~~

(b)(1) Annually, subject to any applicable statutory salary limits, the Governor may grant annual salary adjustments to exempt employees who are deputies or executive assistants to department heads or are deputies or executive assistants to agency secretaries. The annual salary adjustment granted to any officer under this subsection shall not exceed the average of the ~~total~~ rate of adjustment available to classified employees under the collective bargaining agreement then in effect.

(2) In addition to the annual salary adjustment specified in this subsection, the Governor may grant a special salary increase or a bonus to any such officer whose job duties have significantly increased, or whose contributions to the State in the preceding year are deemed especially significant. Special salary increases or bonuses granted to any individual shall not exceed the average of the ~~total~~ rate of adjustment available to classified employees under the collective bargaining agreement then in effect.

(c)(1) The Governor may establish one or more compensation plans for other exempt employees ~~which that~~ provide for adjustments in salary based on changes in the duties performed, seniority, or other objective factors ~~which that the governor~~ Governor finds to be appropriate.

(2) The Governor may extend to such employees any adjustments to compensation not to exceed those available to classified employees provided under the collective bargaining agreement then in effect.

* * * Executive Branch; Miscellaneous Statutory Salaries;
Fiscal Year 2022 * * *

Sec. F.104 32 V.S.A. § 1003 is amended to read:

§ 1003. STATE OFFICERS

(a) Each elective officer of the Executive Department is entitled to an annual salary as follows:

| | <u>Annual Salary as of July 7, 2019</u> | <u>Annual Salary as of January 5, 2020</u> | <u>Annual Salary as of July 4, 2021</u> |
|---------------------|---|--|---|
| Governor | \$181,661 | \$184,113 | \$191,754 |
| Lieutenant Governor | 77,112 | 78,153 | 81,396 |
| Secretary of State | 115,190 | 116,745 | 121,590 |
| State Treasurer | 115,190 | 116,745 | 121,590 |

| | | | |
|---------------------|--------------------|---------|----------------|
| Auditor of Accounts | 115,190 | 116,745 | <u>121,590</u> |
| Attorney General | 137,898 | 139,790 | <u>145,591</u> |

(b) The Governor may appoint each officer of the Executive Branch listed in this subsection at a starting salary ranging from the base salary stated for that position to a salary that does not exceed the maximum salary unless otherwise authorized by this subsection. The maximum salary for each appointive officer shall be 50 percent above the base salary. Annually, the Governor may grant to each of those officers an annual salary adjustment subject to the maximum salary. The annual salary adjustment granted to officers under this subsection shall not exceed the average of the total rate of adjustment available to classified employees under the collective bargaining agreement then in effect. In addition to the annual salary adjustment specified in this subsection, the Governor may grant a special salary increase subject to the maximum salary, or a bonus, to any officer listed in this subsection whose job duties have significantly increased, or whose contributions to the State in the preceding year are deemed especially significant. Special salary increases or bonuses granted to any individual shall not exceed the average of the total rate of adjustment available to classified employees under the collective bargaining agreement then in effect.

(1) Heads of the following Departments and Agencies:

| | Base Salary as of July 7, 2019 | Base Salary as of January 5, 2020 | Base Salary as of July 4, 2021 |
|--|--|---|--|
| (A) Administration | \$109,849 | \$111,332 | <u>\$115,952</u> |
| (B) Agriculture, Food and Markets | 109,849 | 111,332 | <u>115,952</u> |
| (C) Financial Regulation | 102,693 | 104,079 | <u>108,398</u> |
| (D) Buildings and General Services | 102,693 | 104,079 | <u>108,398</u> |
| (E) Children and Families | 102,693 | 104,079 | <u>108,398</u> |
| (F) Commerce and Community Development | 109,849 | 111,332 | <u>115,952</u> |
| (G) Corrections | 102,693 | 104,079 | <u>108,398</u> |
| (H) Defender General | 102,693 | 104,079 | <u>108,398</u> |
| (I) Disabilities, Aging, and Independent Living | 102,693 | 104,079 | <u>108,398</u> |

| | | | |
|--|--------------------|---------|----------------|
| (J) Economic Development | 93,155 | 94,413 | <u>98,331</u> |
| (K) Education | 109,849 | 111,332 | <u>115,952</u> |
| (L) Environmental Conservation | 102,693 | 104,079 | <u>108,398</u> |
| (M) Finance and Management | 102,693 | 104,079 | <u>108,398</u> |
| (N) Fish and Wildlife | 93,155 | 94,413 | <u>98,331</u> |
| (O) Forests, Parks and Recreation | 93,155 | 94,413 | <u>98,331</u> |
| (P) Health | 102,693 | 104,079 | <u>108,398</u> |
| (Q) Housing and Community Development | 93,155 | 94,413 | <u>98,331</u> |
| (R) Human Resources | 102,693 | 104,079 | <u>108,398</u> |
| (S) Human Services | 109,849 | 111,332 | <u>115,952</u> |
| (T) Digital Services | 109,849 | 111,332 | <u>115,952</u> |
| (U) Labor | 102,693 | 104,079 | <u>108,398</u> |
| (V) Libraries | 93,155 | 94,413 | <u>98,331</u> |
| (W) Liquor and Lottery | 93,155 | 94,413 | <u>98,331</u> |
| (X) [Repealed.] | | | |
| (Y) Mental Health | 102,693 | 104,079 | <u>108,398</u> |
| (Z) Military | 102,693 | 104,079 | <u>108,398</u> |
| (AA) Motor Vehicles | 93,155 | 94,413 | <u>98,331</u> |
| (BB) Natural Resources | 109,849 | 111,332 | <u>115,952</u> |
| (CC) Natural Resources Board Chair | 93,155 | 94,413 | <u>98,331</u> |
| (DD) Public Safety | 102,693 | 104,079 | <u>108,398</u> |
| (EE) Public Service | 102,693 | 104,079 | <u>108,398</u> |
| (FF) Taxes | 102,693 | 104,079 | <u>108,398</u> |
| (GG) Tourism and Marketing | 93,155 | 94,413 | <u>98,331</u> |
| (HH) Transportation | 109,849 | 111,332 | <u>115,952</u> |
| (II) Vermont Health Access | 102,693 | 104,079 | <u>108,398</u> |
| (JJ) Veterans' Home | 102,693 | 104,079 | <u>108,398</u> |

(2) The Secretary of Administration may include the Director of the Office of Professional Regulation in any pay plans that may be established under the authority of subsection 1020(c) of this title, provided the minimum hiring rate does not fall below a base salary, as of ~~July 7, 2019 of \$78,975.00~~ and as of January 5, 2020 of \$80,041.00 and as of July 4, 2021 of \$83,363.00.

(3) If the Chair of the Natural Resources Board is employed on less than a full-time basis, the hiring and salary maximums for that position shall be reduced proportionately.

(4) When a permanent employee is appointed to an exempt position, the Governor may authorize such employee to retain the present salary even though it is in excess of any salary maximum provided in statute.

* * *

(d) Notwithstanding the maximum salary established in subsection (b) of this section, the Defender General shall not receive compensation in excess of the compensation established for the Attorney General in this section.

(e) Notwithstanding the maximum salary established in subsection (b) of this section, the maximum salary for the Commissioner of Health ~~may~~ shall not exceed \$150,000.00.

* * * Judicial Branch; Statutory Salaries; Fiscal Year 2022 * * *

Sec. F.105 32 V.S.A. § 1003(c) is amended to read:

(c) The officers of the Judicial Branch named below shall be entitled to annual salaries as follows:

| | Annual Salary as of July 7, 2019 | Annual Salary as of January 5, 2020 | <u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 4,</u> <u>2021</u> |
|--|---|---|---|
| (1) Chief Justice of Supreme Court | \$174,843 | \$177,203 | <u>\$184,557</u> |
| (2) Each Associate Justice | 66,868 | 169,121 | <u>176,140</u> |
| (3) Administrative judge <u>Judge</u> | 166,868 | 169,121 | <u>176,140</u> |
| (4) Each Superior judge | 158,635 | 160,777 | <u>167,449</u> |
| (5) [Repealed.] | | | |
| (6) Each magistrate | 119,609 | 121,224 | <u>126,255</u> |

| | | | |
|---|---------|---------|----------------|
| (7) Each Judicial Bureau hearing Officer | 119,609 | 121,224 | <u>126,255</u> |
|---|---------|---------|----------------|

Sec. F.106 32 V.S.A. § 1141 is amended to read:

§ 1141. ASSISTANT JUDGES

(a)(1) Each assistant judge of the Superior Court shall be entitled to receive compensation in the amount of ~~\$183.38 a day as of July 7, 2019 and \$185.86 a day as of January 5, 2020~~ and \$193.57 a day as of July 4, 2021 for time spent in the performance of official duties and necessary expenses as allowed to classified State employees. Compensation under this section shall be based on a two-hour minimum and hourly thereafter.

(2)(A) The compensation paid to an assistant judge pursuant to this section shall be paid by the State except as provided in subdivision (B) of this subdivision (2).

(B) The compensation paid to an assistant judge pursuant to this section shall be paid by the county at the State rate established in subdivision (a)(1) of this section when an assistant judge is sitting with a presiding Superior judge in the Civil or Family Division of the Superior Court.

(b) Assistant judges of the Superior Court shall be entitled to receive pay for such days as they attend court when it is in actual session, or during a court recess when engaged in the special performance of official duties.

Sec. F.107 32 V.S.A. § 1142 is amended to read:

§ 1142. PROBATE JUDGES

(a) The Probate judges in the several Probate Districts shall be entitled to receive the following annual salaries, which shall be paid by the State in lieu of all fees or other compensation:

| | Annual Salary as of July 7, 2019 | Annual Salary as of January 5, 2020 | <u>Annual Salary</u> as of July 4, 2021 |
|----------------|---|---|---|
| (1) Addison | \$62,540 | \$63,384 | <u>\$66,014</u> |
| (2) Bennington | 79,060 | 80,127 | <u>83,452</u> |
| (3) Caledonia | 55,461 | 56,210 | <u>58,543</u> |
| (4) Chittenden | 131,939 | 133,720 | <u>139,269</u> |
| (5) Essex | 15,494 | 15,703 | <u>16,355</u> |
| (6) Franklin | 62,540 | 63,384 | <u>66,014</u> |
| (7) Grand Isle | 15,494 | 15,703 | <u>16,355</u> |

| | | | |
|-----------------|---------|---------|----------------|
| (8) Lamoille | 43,660 | 44,249 | <u>46,085</u> |
| (9) Orange | 51,919 | 52,620 | <u>54,804</u> |
| (10) Orleans | 50,740 | 51,425 | <u>53,559</u> |
| (11) Rutland | 112,100 | 113,613 | <u>118,328</u> |
| (12) Washington | 86,138 | 87,301 | <u>90,924</u> |
| (13) Windham | 69,620 | 70,560 | <u>73,488</u> |
| (14) Windsor | 94,400 | 95,674 | <u>99,644</u> |

(b) Probate judges shall be entitled to be paid by the State for their actual and necessary expenses under the rules and regulations pertaining to classified State employees. The compensation for the Probate judge of the Chittenden District shall be for full-time service.

(c) All Probate judges, regardless of the number of hours worked annually, shall be eligible to participate in all employee benefits that are available to exempt employees of the Judicial Department.

* * * Sheriffs; Statutory Salaries; Fiscal Year 2022 * * *

Sec. F.108 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) The sheriffs of all counties except Chittenden shall be entitled to receive salaries in the amount of ~~\$84,969.00 as of July 7, 2019~~ and \$86,116.00 as of January 5, 2020 and \$89,690.00 as of July 4, 2021. The Sheriff of Chittenden County shall be entitled to an annual salary in the amount of ~~\$89,919.00 as of July 7, 2019~~ and \$91,133.00 as of January 5, 2020 and \$94,915.00 as of July 4, 2021.

(b) Compensation under subsection (a) of this section shall be reduced by 10 percent for any sheriff who has not obtained Level III law enforcement officer certification under 20 V.S.A. § 2358.

* * * State's Attorneys; Statutory Salaries; Fiscal Year 2022 * * *

Sec. F.109 32 V.S.A. § 1183 is amended to read:

§ 1183. STATE'S ATTORNEYS

(a) The State's Attorneys shall be entitled to receive annual salaries as follows:

| | <u>Annual Salary as of July 7, 2019</u> | <u>Annual Salary as of January 5, 2020</u> | <u>Annual Salary as of July 4, 2021</u> |
|------------------------|---|--|---|
| (1) Addison County | \$114,934 | \$116,486 | \$121,320 |
| (2) Bennington County | \$114,934 | \$116,486 | \$121,320 |
| (3) Caledonia County | \$114,934 | \$116,486 | \$121,320 |
| (4) Chittenden County | \$120,160 | \$121,782 | \$126,836 |
| (5) Essex County | \$86,202 | \$87,366 | \$90,992 |
| (6) Franklin County | \$114,934 | \$116,486 | \$121,320 |
| (7) Grand Isle County | \$86,202 | \$87,366 | \$90,992 |
| (8) Lamoille County | \$114,934 | \$116,486 | \$121,320 |
| (9) Orange County | \$114,934 | \$116,486 | \$121,320 |
| (10) Orleans County | \$114,934 | \$116,486 | \$121,320 |
| (11) Rutland County | \$114,934 | \$116,486 | \$121,320 |
| (12) Washington County | \$114,934 | \$116,486 | \$121,320 |
| (13) Windham County | \$114,934 | \$116,486 | \$121,320 |
| (14) Windsor County | \$114,934 | \$116,486 | \$121,320 |

* * *

* * * Appropriations * * *

Sec. F.111 PAY ACT APPROPRIATIONS; FISCAL YEAR 2022

(a) Executive Branch. The second year of the two-year agreements between the State of Vermont and the Vermont State Employees' Association for the Defender General, Non-Management, Supervisory, and Corrections bargaining units, and, for the purpose of appropriation, the State's Attorneys' offices bargaining unit, for the period of July 1, 2021 through June 30, 2022; the collective bargaining agreement with the Vermont Troopers' Association for the period of July 1, 2021 through June 30, 2022; and salary increases for employees in the Executive Branch not covered by the bargaining agreements shall be funded as follows:

(1) Fiscal year 2022.

(A) General Fund. The amount of \$10,033,806 is appropriated from the General Fund to the Secretary of Administration for distribution to departments to fund the fiscal year 2022 collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$4,250,000 is appropriated from the Transportation Fund to the Secretary of Administration for distribution to the Agency of Transportation and the Department of Public Safety to fund the fiscal year 2022 collective bargaining agreements and the requirements of this act.

(C) Other funds. The Administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the fiscal year 2022 collective bargaining agreements and the requirements of this act. The estimated amounts are \$15,775,278 from a special fund, federal funds, and other sources.

(D) Transfers. With due regard to the possible availability of other funds, for fiscal year 2022, the Secretary of Administration may transfer from the various appropriations and various funds and from the receipts of the Liquor Control Board such sums as the Secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by State funds.

(2) This section shall include sufficient funding to ensure administration of exempt pay plans authorized by 32 V.S.A. § 1020(c).

(b) Judicial Branch.

(1) The Chief Justice of the Vermont Supreme Court may extend the provisions of the Judiciary's collective bargaining agreement to Judiciary employees who are not covered by the bargaining agreement.

(2) The second year of the two-year agreements between the State of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period of July 1, 2021 through June 30, 2022 and salary increases for employees in the Judicial Branch not covered by the bargaining agreements shall be funded as follows: the amount of \$978,648 is appropriated from the General Fund to the Judiciary to fund the fiscal year 2022 collective bargaining agreement and the requirements of this act.

(c) Legislative Branch. For the period of July 1, 2021 through June 30, 2022, the General Assembly shall be funded as follows: the amount of \$399,630 is appropriated from the General Fund to the Legislative Branch.

* * * Fiscal Year 2021; One-Time Payments * * *

Sec. F.112 FISCAL YEAR 2021; ONE-TIME PAYMENTS AUTHORIZED

(a) The Executive Branch is authorized to provide elected State officials whose salaries are set pursuant to 32 V.S.A. § 1003 (State officers), who did not otherwise receive a salary increase in fiscal year 2021, a one-time cash payment equivalent to the value of a 1.9 percent increase on their fiscal year 2020 salary.

(b) The Judicial Branch is authorized to provide judicial officers whose salaries are set pursuant to 32 V.S.A. §§ 1003 and 1141–1142, who did not otherwise receive a salary increase in fiscal year 2021, a one-time cash payment equivalent to the value of a 1.9 percent increase on their fiscal year 2020 salary.

* * * American Rescue Plan Act Appropriations * * *

* * * Intent and Other Funding * * *

Sec. G. 100 INVESTING THE AMERICAN RESCUE PLAN ACT
APPROPRIATIONS FOR ALL VERMONTERS

(a) The American Rescue Plan Act (ARPA) was enacted on March 11, 2021 and includes a \$1.05 billion grant of flexible aid for Vermont to be spent over the next four years. With these funds, and other federal or State funds, the General Assembly recognizes an unprecedented opportunity to strengthen Vermont's economy and communities and make long-term investments that support all Vermonters.

(b) Appropriations of ARPA - Coronavirus State Fiscal Relief Funds available in fiscal year 2022 are made in the following sections by categorical areas. In some cases, one-time State general funds or other APRA funding sources are included for specific programs or projects providing comprehensive funding by category. All appropriations of ARPA funding in this act are made to the extent permitted by federal law and guidance. The appropriations below are summarized as follows:

| | |
|--|----------------------|
| (1) ARPA Coronavirus State Fiscal Relief Funds | \$478,500,000 |
| (2) General funds | \$ 55,200,000 |
| (3) Other ARPA funds | <u>\$ 51,000,000</u> |
| TOTAL | \$584,700,000 |

(c) Federal legislation providing additional funding for infrastructure investments is anticipated to be enacted in the fall of 2021. It is the intent of the General Assembly that the remaining appropriation of over \$500,000,000 ARPA - Coronavirus State Fiscal Relief Funds be made during the 2022

legislative session in the context of potential additional federal infrastructure funding and other federal funding, as well the updated forecast of available State funds at that time. To the extent that additional federal funding is available to the state prior to the 2022 legislative session that can offset unexpended fiscal year 2022 ARPA - Coronavirus State Fiscal Relief Funds appropriations, the Commissioner of Finance and Management shall provide a report to Joint Fiscal Committee by November 15, 2021 on such offsets under consideration for inclusion in the fiscal year 2022 Budget Adjustment Act. The intent of the appropriations below is to enable foundational investments that will transform and strengthen Vermont's economy and communities and support all Vermonters.

* * * Health, Well-being, and Justice Investments * * *

Sec. G.200 INVESTMENTS FOR THE HEALTH AND WELL-BEING OF VERMONTERS

(a) \$11,100,000 in fiscal year 2022 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$5,000,000 to the Department of Disabilities, Aging, and Independent Living (DAIL) to be used for grants to currently existing adult day service providers to support operating costs, program infrastructure, and COVID-19 related costs. On or before each quarter of fiscal year 2022 (July 1, 2021, October 1, 2021, January 1, 2022, and April 1, 2022), the Vermont Association of Adult Day Services shall provide a spreadsheet to the Department detailing the amount of grants needed by each program for each quarter. This appropriation may be adjusted to the extent that the Department, in coordination with the Agency of Human Services, determines that funding from the Global Commitment can be substituted as a result of the increased federal match of 10 percent in ARPA for home- and community-based services. The Department and the Agency of Human Services shall report to the Joint Fiscal Committee at the July or September meetings on the status of any such substitution. Any amount of this appropriation remaining at the end of fiscal year 2022 shall be carried forward and shall be used to support operating costs, program infrastructure, and COVID-19 related expenses. DAIL shall work with community partners to seek organizations interested in opening an Adult Day Center in the underserved regions where Adult Day Centers closed during the COVID-19 pandemic and shall request funding in the fiscal year 2022 budget adjustment process to provide restart grants.

(2) \$600,000 to the Department of Mental Health to fund a pilot mobile crisis intervention program in Rutland. It is the intent of the General Assembly that any continuation of this pilot program or expansion of the program to other areas of the State be designed and implemented in a manner

that meets the requirements to draw federal Medicaid funding for these services as specified in ARPA.

(3) \$300,000 to the Department of Health to make grants of \$25,000 to cover the financial impacts of the ongoing COVID-19 pandemic at each of the recovery centers statewide.

(4) \$3,700,000 to the Department for Children and Families for one-time grants to Parent Child Centers for capital and program improvements.

(5) \$1,000,000 to the Department for Children and Families for a grant to the Vermont Foodbank to purchase food.

(6) \$500,000 to the Agency of Education to make grants to local education agencies for the purchase of locally produced foods.

Sec. G.201 JUSTICE SYSTEM INVESTMENTS

(a) \$16,400,000 in fiscal year 2022 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$9,000,000 to the Judiciary for pandemic recovery response and justice system reopening in fiscal years 2022 and 2023. It is the intent of the General Assembly that portions of the appropriation made to the Judiciary under this section be spent for:

(A) the use of six-person juries in civil cases as authorized by the Court in the exercise of its emergency powers during a state of emergency; and

(B) a reduction of the backlog in child support cases, particularly in Bennington, Chittenden, and Rutland and counties.

(C) to address evictions backlog resulting from the pandemic related moratorium

(2) \$3,300,000 to the Department of State's Attorneys for pandemic recovery response and justice system reopening in fiscal years 2022 and 2023.

(A) Department of the State's Attorneys: A two-year limited service classified position, a victims advocate coordinator position is authorized in the in fiscal year 2022.

(3) \$2,700,000 to the Office of the Defender General for pandemic recovery response and justice system reopening in fiscal years 2022 and 2023.

(4) \$1,400,000 in fiscal year 2022 to the Vermont Center for Crime Victims Services:

(A) \$200,000 shall be used for grants to the Vermont Network Against Domestic and Sexual Violence for pandemic recovery response, and

(B) \$1,200,000 shall be used in manner consistent with the Victims Compensation Fund (21145).

* * * Workforce Development, Stabilization of Higher Education and Economic Development Investments * * *

Sec. G.300 WORKFORCE INVESTMENTS

(a) \$23,000,000 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$2,000,000 in fiscal year 2022 to the Department of Labor for apprenticeship programs.

(2) \$1,850,000 in fiscal year 2021 to the Department of Forests, Parks and Recreation to be granted to the Vermont Youth Conservation Corps to establish the Vermont Serve, Learn, and Earn Program with other community partners to create meaningful paid service and learning opportunities for young adults beginning in the Summer and Fall of 2021. These funds shall carryforward into fiscal year 2022.

(3) \$1,000,000 in fiscal year 2022 to the University of Vermont for matching funds for research grant opportunities related to COVID-19.

(4) \$5,750,000 in fiscal year 2022 to the Vermont Student Assistance Corporation for the following programs:

(A) \$1,000,000 for advancement grants in fiscal years 2022 and 2023;

(B) \$600,000 for aspiration grants in fiscal years 2022 and 2023;

(C) \$3,800,000 for 802Opportunity grants in fiscal years 2022 and 2023; and

(D) \$350,000 for a one-time investment in the Advance Vermont program to assist Vermonters seeking credentialing information and opportunities.

(5) \$12,400,000 in fiscal year 2022 to the Vermont State Colleges for the following programs:

(A) \$2,000,000 to provide funding for up to six credits or two courses in the 2022 – 2023 academic year, including wraparound services for Vermonters whose employment was impacted by the COVID-19 public health emergency since March 13, 2020.

(B) \$3,000,000 to provide degree completion scholarships for up to 30 credits towards a credential of value for adult learners who have earned at

least 40 credits towards an undergraduate degree and have a gap in attendance of at least two years.

(C) \$2,000,000 to provide welcome home scholarships of \$5,000 per year or \$2,500 per semester for full-time students enrolled for 12 or more credits, or \$3,000 per year or \$1,500 per semester for part-time students, to Vermonters transferring from out-of-state institutions or returning to school after exiting in 2020–2021. This program’s mission is to incentivize students to come home to Vermont by transferring to Vermont State College System institutions and to complete their degree if they left school without finishing in 2020–2021.

(D) \$5,000,000 to provide free last dollar tuition for one year of undergraduate studies for critical occupation careers, including bookkeeping certificate, IT service desk specialist certificate, certified production technician, graphic design certificate, software and web development program, electrical and plumbing apprenticeships, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy. \$1,000,000 of these funds shall be allocated for paramedic/EMS programs. Funds may be used for practical nursing, childcare, nursing, and mental health counseling programs only after available federal and State financial aid is applied to ensure no cost to the student.

(E) \$400,000 for start-up cost for the Dental Therapy program.

Sec. G.301 STABILIZATION OF HIGHER EDUCATION INVESTMENTS

(a) \$53,200,000 in fiscal year 2022 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$41,000,000 to the Vermont State Colleges, for the following:

(A) \$21,000,000 for pandemic related deficits from revenue loss and increased operating expenses.

(B) \$20,000,000 for system transformation over the next four years, \$8,000,000 of which will be utilized in fiscal year 2022.

(2) \$2,200,000 to the University of Vermont to offset the impact from level room and board fees.

(3) \$10,000,000 to the Secretary of Administration to fund needed pandemic recovery efforts at Vermont’s independent higher education institutions.

(A) Prior to any expenditure under this appropriation, the Secretary shall develop a plan through meaningful consultation with stakeholders, including, the higher education community, the business community, and the

workforce training community; the Regional Planning Commissions, other entities concerned with higher education. This plan shall consider the various needs of the institutions, the availability of alternative resources, and the economic contribution that they make to Vermont.

(B) The Agency shall also provide the public the opportunity to provide input and take such input into account when allocating the funding.

(C) A status report on the funding allocation shall be provided to the Chairs of the House and Senate Committees on Education, and to the Joint Fiscal Committee at the Joint Fiscal Committee's July meeting.

Sec. G.302 ECONOMIC DEVELOPMENT INVESTMENTS

(a) \$56,500,000 in fiscal year 2022 is appropriated from ARPA Coronavirus State Fiscal Relief Funds as follows:

(1) \$1,500,000 to the Agency of Commerce and Community Development to be used in the same manner as the Downtown Transportation and Related Capital Improvement fund established by 24 V.S.A. § 2796.

(2) \$11,000,000 to the Agency of Commerce and Community Development to be used in the same manner as the Brownfields Revitalization Fund established by 10 V.S.A. § 6654, except notwithstanding the grant limitations in 10 V.S.A. § 6654, projects supported by this appropriation will not be limited to \$200,000 grants per parcel.

(3) \$2,000,000 to the Agency of Agriculture, Food and Markets for grants through the Working Lands Program.

(4) \$500,000 to the Agency of Agriculture, Food and Markets for grants to State fairs and field days organizations.

(5) \$1,150,000 to the Vermont Council on the Arts for technical assistance for cultural and arts organizations to enhance digital presence.

(6) \$11,000,000 to the Department of Economic Development to fund priority capital projects across the State as identified by the Regional Development Corporations or Regional Planning Commissions, or both.

(7) \$20,000,000 to Agency of Commerce and Community Development for Economic Recovery grants.

(8) \$1,500,000 to the Department for Children and Families, Office of Economic Opportunity, to be granted to the Community Action Agencies for the Statewide Community Action Network's Economic Micro Business Recovery Assistance for the COVID-19 Epidemic (EMBRACE) to assist the Vermont microbusiness owners impacted by COVID-19 and for new businesses started by individuals 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.

(9) \$1,000,000 to the University of Vermont to complete the startup of the Office of Engagement.

(10) \$800,000 to the Agency of Commerce and Community Development for technology-related grants.

(11) \$1,000,000 to the Agency of Commerce and Community Development for a Better Places grant program.

(12) \$1,900,000 to Agency of Commerce and Community Development for Working Community Challenge grants.

(13) \$150,000 to the Agency of Commerce and Community Development to provide outreach and technical for BIPOC owned businesses.

(14) 1,000,000 to the Agency of Commerce and Community Development to award grants for the new, remote, and relocated worker program.

(15) \$2,000,000 to the Department of Tourism and Marketing to promote Vermont's travel, recreation, culinary, arts, culture, agritourism, and heritage experiences to attract visitors and stimulate visitor spending with local attractions and small businesses in rural communities and throughout the State.

(b) \$1,200,000 in fiscal year 2022 is appropriated from the General Fund as follows:

(1) \$300,000 to the Agency of Commerce and Community Development to a two-year contract with a foreign trade representative.

(2) \$900,000 to the Agency of Commerce and Community Development to fund the Entrepreneurs' Seed Capital Fund to provide risk stage seed capital to Vermont businesses that have experienced economic disruption either through reduced business, new business formation, or through an unmanageable increase in new business due to the COVID-19 crisis.

* * * Addressing Homelessness, Housing Insecurity and
Increasing the Stock of Low- and Moderate-Income Housing * * *

Sec. G. 400 HOUSING AND HOMELESSNESS INVESTMENTS

(a) \$18,500,000 in fiscal year 2022 is appropriated from ARPA Coronavirus State Fiscal Relief Funds as follows:

(1) \$12,000,000 to Vermont Housing Conservation Board to increase shelter capacity to organizations that support homeless Vermonters. This allocation is designed for those populations who may be displaced from the hotel/motel voucher program. Vermont Housing and Conservation Board shall distribute these funds in consultation with the Secretary of Human Services.

(2) \$5,000,000 to the Agency of Commerce and Community Development for the Vermont Housing Incentive Program (VHIP).

(3) \$1,500,000 to the Agency of Commerce and Community Development. These funds shall be granted to the Regional Planning Commissions (RPC) to assist communities in updating zoning and bylaws; a minimum grant of \$75,000 shall be provided to each RPC.

(b) \$91,000,000 is appropriated from other funds as follows:

(1) \$40,000,000 in fiscal year 2021 is appropriated from the General Fund to the Vermont Housing and Conservation Board (VHCB) for affordable housing initiatives. These funds shall carryforward into fiscal year 2022 and are in addition to funding provided to VHCB in 2021 Acts and Resolves No. 9.

(2) \$36,000,000 of funds reserved by motion passed on February 11, 2021 by the Joint Fiscal Committee accepting the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260) Emergency Rental Assistance Program grant is appropriated in fiscal year 2022 to the Department for Children and Families to implement the Emergency Housing Assistance Program in fiscal year 2022.

(3) \$15,000,000 in fiscal year 2022 is appropriated from funds received from the American Rescue Plan Act, 2021 (Pub. L. No. 117-2) Emergency Rental Assistance Program to the Department for Children and Families to supplement, continue, or extend, or any combination of the three, the Rental Assistance Program for Reach Up families as permissible by the Emergency Rental Assistance Program.

* * * Broadband Connectivity and
Technology Modernization Investments * * *

Sec. G. 500 BROADBAND CONNECTIVITY INVESTMENTS

(a) \$101,800,000 from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$100,000,000 is appropriated in fiscal year 2022, from the ARPA State Fiscal Relief Fund consistent with H.360 in order to support and accelerate the State's goal of achieving universal access to reliable, high-

quality, affordable broadband. It is the intent of the General Assembly that an additional \$50,000,000 be provided for statewide connectivity in fiscal year 2023 through fiscal year 2025 from this source or other State or federal funds that may become available.

(2) \$1,800,000 is appropriated in fiscal year 2021 to the E-911 Board for replace revenues anticipated to be available in the E-911 special fund. Half of this appropriation is intended to carryforward to fiscal year 2022.

Sec. G. 501 STATE TECHNOLOGY MODERNIZATION INVESTMENTS

(a) \$52,000,000 in fiscal year 2022 from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$24,500,000 to the Department of Motor Vehicles to complete the first phase of the DMV IT system replacement of the 40-year-old mainframe applications.

(2) \$1,100,000 to the Department of Environmental Conservation for the second phase of the permit navigator - citizen facing permit portal.

(3) \$500,000 to Natural Resource Board for phase 2 of the Act 250 online application and database project - moving Act 250 services online.

(4) \$12,800,000 to Agency of Administration for a Human Capital Management ERP upgrade - replacement of the HR system that tracks employee information, timesheets, and contracts, including a VANTAGE budget system upgrade and interface with the new HR system.

(5) \$1,500,000 to Agency of Digital Services cybersecurity – core infrastructure replacement and router replacements for public safety connections to the municipalities.

(6) \$1,000,000 to Agency of Commerce and Community Development (ACCD) for Salesforce grant management system – transitioning ACCD from an unwieldy grants program to a centralized grants system.

(7) \$1,700,000 to States' Attorneys and Sheriffs (SAS) for case management system - needed upgrade to SAS case management software;

(8) \$140,000 to the Defender General to complete a case management system upgrade.

(9) \$250,000 to the Secretary of State for completion of the Vermont Business Portal to provide digital access for Vermont-based businesses to at least four State agencies.

(10) \$4,500,000 to the Vermont Department of Labor (VDOL), of which \$3,500,000 is allocated for phase one of the UI modernization to begins

replacement of mainframe applications for unemployment insurance and \$1,000,000 is allocated for the Joblink replacement to coordinate activities between ACCD and VDOL to better serve Vermonters. These funds shall be released only after approval of the Joint Information Technology Oversight Committee (JITOC). The JITOC is requested to review the breadth of scope, appropriateness of the proposed technology, experience record of the proposed vendor, reliability of the cost estimate, availability of dedicated department personnel for implementation and operation, and the proposed schedule and scope of future phases, where appropriate. The JITOC evaluation shall consider information provided by the Agency of Digital Services and any outside technical review or resource.

(11) \$4,010,000 to the Agency of Education for data systems related to licensing management, dual enrollment vouchers, and adult education and literacy programs.

(b) \$14,000,000 is appropriated from the General Fund in fiscal year 2022 as follows:

(1) \$4,500,000 to the Department for Children and Families for Bright Futures Information System replacement, and

(2) \$9,500,000 to Agency of Human Services IE project - Integrated Eligibility replaces Access.

* * * Weatherization and Other Climate Change Mitigation Investments * * *

Sec. G.600 CLIMATE ACTION INVESTMENTS

(a) \$31,000,000 in fiscal year 2022 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds to be appropriated consistent with the Energy Savings Fund criteria established in 30 V.S.A. § 35, as follows:

(1) \$4,000,000 to the Department for Children and Families, Office of Economic Opportunity, Home Weatherization Assistance Program to be used in fiscal year 2022 and fiscal year 2023. Up to \$150,000 of these funds may be used for vermiculite remediation and home repair as part of home weatherization.

(2) \$9,000,000 to the Agency of Administration to grant to the Vermont Housing Finance Agency for financial support of housing weatherization statewide.

(3) \$5,000,000 to the Department of Public Service to grant to the Efficiency Vermont for the purpose of weatherization incentives. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, 2023.

(4) \$2,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of workforce development initiatives and to support the expansion of Neighborworks of Western Vermont's Heat Squad program. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, 2023.

(5) \$9,000,000 to the Department of Public Service to be used on the Affordable Community-Scale Renewable Energy Program, consistent with parameters of the Clean Energy Development Fund, to support the creation of renewable energy projects for Vermonters with low-income.

(6) \$1,500,000 to the Department for Children and Families to grant to the Community Action Agencies, to be used through December 31, 2024, to support at least five Financial and Clean Energy Coaches and one Coordinator in the Office of Economic Opportunity to assist Vermonters with low and moderate income in comprehensive financial coaching, including budgeting, debt reduction, credit building, and asset development, with an emphasis on reducing their reliance on carbon fuel-based technologies.

(7) \$500,000 to the Agency of Transportation to grant to the Community Action Agencies to support the MileageSmart Program, established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(b) It is the intent of the General Assembly that \$100,000,000 in funding be provided to support the implementation of the Vermont Climate Action Plan between fiscal year 2023 and fiscal year 2025 from this source or other State or federal funds that may become available.

* * * Clean Water Investments * * *

Sec. G.700 WATER AND SEWER INVESTMENTS

(a) \$115,000,000 in fiscal year 2022 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$10,000,000 for Stormwater Retrofit Projects as follows:

(A) \$5,500,000 to the Department of Environmental Conservation to provide three-acre stormwater permitting design and construction support for entities subject to the Vermont 3- 9050 Stormwater General Permit and to provide design and construction for practices necessary to restore impaired waters subject to flow restoration plans.

(B) \$1,000,000 to the Department of Forests, Parks and Recreation to support compliance with the 3-acre stormwater rule.

(C) \$3,500,000 to the Agency of Transportation for the implementation of three-acre and flow restoration protection and clean water compliance expenditures for transportation infrastructure and to fund the municipal grants in aid program to address stormwater runoff from municipal roads.

(2) \$10,000,000 to the Department of Environmental Conservation to support wastewater projects and pretreatment activities as follows:

(A) \$8,000,000 to support the design and construction of up to 10 community-scale water or decentralized wastewater projects, or both, to support underserved designated centers.

(B) \$2,000,000 to provide financial assistance to municipalities, Vermont businesses, and nonprofit entities to install or enhance pretreatment processes to address high strength or toxic wastes that otherwise require treatment at municipal expense by publicly owned treatment facilities.

(3) \$10,000,000 to the Department of Environmental Conservation to assist municipalities to design and construct projects to reduce or eliminate wet weather sewer overflows.

(4) \$5,000,000 to the Department of Environmental Conservation to reduce risk to public safety and the environment associated with State-owned dams.

(5) \$5,000,000 to make repairs or improvements to water and wastewater systems in Vermont homes to be allocated as follows:

(A) \$750,000 to the Department of Housing and Community Development to provide financial assistance or incentives for water system and water efficiency improvements as part of housing rehabilitation projects.

(B) \$4,250,000 to the Department of Environmental Conversation as follows:

(i) \$1,000,000 to increase the funds available for loan forgiveness to replace failed residential on-site wastewater and water supply systems.

(ii) \$3,250,000 to provide financial assistance or loan forgiveness to mobile home parks to improve drinking water, wastewater, stormwater, and drainage systems.

(6) \$10,000,000 to the Department of Environmental Conservation for allocation by the Clean Water Board established under 10 V.S.A § 1389, as part of their budget process in fiscal year 2022.

(7) \$50,000,000 shall carry forward to be used as follows:

(A) \$20,000,000 for allocation by the Clean Water Board established under 10 V.S.A § 1389 as part of their budget process in fiscal year 2023 and 2024;

(B) \$30,000,000 for allocation in fiscal year 2023 and 2024 by the Department of Environmental Conservation for drinking water, sewer, and stormwater infrastructure projects, including dam safety improvements and CSO abatement. The Department shall provide the General Assembly a list of the projects allocated for funding during the annual budget development process for fiscal years 2023 and 2024.

(8) \$15,000,000 to be used to the extent capital funds have been appropriated to projects supporting water and sewer infrastructure in fiscal year 2022 and capital appropriations can be offset for reuse for future capital construction projects in the fiscal years 2022 – 2023 capital budget adjustment process. On or before December 15, 2021, the Commissioner of Finance and Management shall review and recommend water and sewer infrastructure projects funded in fiscal year 2022 that could be funded with ARPA funds to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions and to the Governor for the fiscal years 2022–2023 capital budget adjustment report.

Sec. G.701 CLEAN WATER THREE YEAR REVENUE ALLOCATION
CHANGE

(a) In fiscal years 2022 through 2023, revenues from the meals and rooms taxes imposed under 32 V.S.A. chapter 225 shall be allocated by fiscal year notwithstanding 10 V.S.A. § 1388 (a)(4) and notwithstanding 32 V.S.A. § 435(b)(7) as follows:

(1) To the Clean Water Fund:

(A) Zero percent in fiscal year 2022.

(B) Two percent in fiscal year 2023.

(C) Four percent in fiscal year 2024.

(2) To the General Fund:

(A) Seventy-five percent in fiscal year 2022.

(B) Seventy-three percent in fiscal year 2023.

(C) Seventy-one percent in fiscal year 2024.

(b) It is the intent of the General Assembly that in fiscal year 2025 the allocation of meals and room taxes be allocated to the Clean Water Fund at six percent as specified in 10 V.S.A. § 1388(a)(4).

* * * Effective Dates * * *

Sec. H.100 EFFECTIVE DATES

(a) This section and Secs. B.1104 (fiscal year 2022 one-time transportation fund appropriations), C.100 through C.109 (fiscal year 2021 one-time appropriations, adjustment and amendments), E.234 (building efficiency goals), E.234.1 (Home Weatherization Assistance Program), E.234.2 (Public Utility Commission proceeding), E.234.3 (development of weatherization workforce and counseling services; reports), E.234.4 (Energy Saving Fund), F.112 (onetime salary payments authorized), G.300(a)(2) (workforce investments), G.400 (b)(1) (housing and homelessness related investments), and G.500 (a)(2)(E 911 funds) shall take effect upon passage.

(b) Secs. E.207 (county sheriff's department) and E.207.2 (Department of State's Attorneys and Sheriffs) and Sec. E.306.1 (Vermont Health Benefit Exchange) shall take effect on October 1, 2021.

(c) All remaining sections shall take effect on July 1, 2021.

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

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

Proposal of Amendment; Third Reading Ordered

H. 438.

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

An act relating to capital construction and State bonding.

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

First: In Sec. 2, State Buildings, in subdivision (b)(10), by striking out "\$2,800,000.00" and inserting in lieu thereof \$2,750,000.00, and by striking out all after subdivision (c)(18) and inserting in lieu thereof the following:

| | |
|--|------------------------|
| <u>Appropriation – FY 2022</u> | <u>\$19,316,774.00</u> |
| <u>Appropriation – FY 2023</u> | <u>\$24,800,442.00</u> |
| <u>Total Appropriation – Section 2</u> | <u>\$44,117,216.00</u> |

Second: In Sec. 4, Commerce and Community Development, by striking out subsection (c) in its entirety and by relettering the remaining subsection to be alphabetically correct.

Third: In Sec. 9, Natural Resources, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(c) The following amounts are appropriated in FY 2022 to the Agency of Natural Resources for the Department of Fish and Wildlife for the projects described in this subsection:

(1) General infrastructure projects, including small-scale maintenance and rehabilitation of infrastructure: \$1,264,500.00

(2) Lake Champlain Walleye Association, Inc., to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure: \$25,000.00

and by striking out all after subdivision (f)(2) and inserting in lieu thereof the following:

(g) The following amounts are appropriated in FY 2023 to the Agency of Natural Resources for the projects described in this subsection:

(1) General infrastructure projects, including small-scale maintenance and rehabilitation of infrastructure: \$1,083,500.00

(2) Lake Champlain Walleye Association, Inc., to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure: \$25,000.00

Appropriation – FY 2022 \$11,455,214.00

Appropriation – FY 2023 \$9,853,264.00

Total Appropriation – Section 9 \$21,308,478.00

Fourth: By striking out Sec. 26, Federal Funds; Capital Projects, in its entirety and inserting in lieu thereof the following:

Sec. 26. FEDERAL FUNDS; CAPITAL PROJECTS

(a) Intent. It is the intent of the General Assembly, to the extent permitted by federal law and guidance, to use federal funds provided to the State by the American Rescue Plan Act of 2021, Pub. L. 117-2, in the Coronavirus Capital Projects Fund to carry out critical capital projects for the Executive, Legislative, and Judicial Branches to directly enable work, education, and health monitoring, including remote options, in response to the public health emergency with respect to the Coronavirus Disease (COVID-19).

(b) Prioritized uses. The federal funds provided to the State by the American Rescue Plan Act of 2021, Pub. L. 117-2, in the Coronavirus Capital Projects Fund shall be prioritized for critical capital projects proposed by the

Executive, Legislative, and Judicial Branches in response to the COVID-19 pandemic and the entire amount provided to the State shall not be for the exclusive use of any single branch of State government.

(c) Recommendation.

(1) On or before December 15, 2021, the Commissioner of Finance and Management shall recommend a list of priority projects for the use of federal funds by the Executive Branch from the Coronavirus Capital Projects Fund for FY 2023 to the Governor for the FY 2022–2023 capital budget adjustment report. Consistent with federal guidance as it becomes available, Executive Branch recommendations may include infrastructure that provides the greatest economic benefit in and among our communities. Any recommendations shall take into consideration the capital needs of all three branches.

(2) On or before December 15, 2021, the Joint Legislative Management Committee shall recommend a list of priority projects for the use of federal funds from the Coronavirus Capital Projects Fund for capital projects in the Legislative Branch and the Court Administrator shall submit a list of priority projects for the use of federal funds from the Coronavirus Capital Projects Fund for capital projects in the Judicial Branch to the House Committee on Corrections and Institutions and the Senate Committee on Institutions for allocation in the FY 2022–2023 Capital Budget Adjustment Act. Any recommendations shall take into consideration the capital needs of all three branches.

Fifth: By striking out Sec. 31, effective date, and its reader assistance heading in their entireties and inserting in lieu thereof the following:

Sec. 31. 29 V.S.A. § 410 is amended to read:

§ 410. RULEMAKING; ENCROACHMENTS ON PUBLIC WATERS

(a) The Department may adopt rules to implement the requirements of this chapter.

(b) The Department shall adopt rules establishing criteria for issuing an encroachment permit under this chapter for the creation of artificial reefs or sinking of vessels within the waters under the jurisdiction of the Department, including the requirement that any creation of an artificial reef or sinking of a vessel complies with federal rules or guidance for such activities.

Sec. 32. ANR ENCROACHMENT RULES; IMPLEMENTATION

(a) On or before January 1, 2022, the Department of Environmental Conservation shall initiate the rulemaking required under 29 V.S.A. § 410.

(b) On or before July 1, 2022, the Department of Environmental Conservation shall file a final proposal of the rules required under 29 V.S.A. § 410 with the Secretary of State under 3 V.S.A. § 841.

* * * Public Safety * * *

Sec. 33. WILLISTON PUBLIC SAFETY BARRACKS; SALE

The Commissioner of Buildings and General Services is authorized to sell the property known as the Williston Public Safety Barracks (State Office Building) located at 2777 St. George Road in Williston, Vermont pursuant to the requirements of 29 V.S.A. § 166. The proceeds from the sale shall be appropriated to future capital construction projects.

* * * Effective Date * * *

Sec. 34. EFFECTIVE DATE

This act shall take effect on passage.

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

Senator Baruth, 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 Institutions with the following amendment thereto:

By striking out Sec. 25, process for use of federal funds; FY 2022 and FY 2023; water and sewer infrastructure, in its entirety and by renumbering the remaining sections to be numerically correct.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of proposal of amendment of the Committee on Institutions was amended as recommended by the Committee on Appropriations.

Thereupon, the proposal of amendment recommended by the Committee on Institutions, as amended, was agreed to and third reading of the bill was ordered.

Bill Passed in Concurrence

H. 89.

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

An act relating to limiting liability for agritourism.

Bills Passed in Concurrence with Proposals of Amendment

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

H. 46. An act relating to miscellaneous provisions of mental health law.

H. 104. An act relating to considerations in facilitating the interstate practice of health care professionals using telehealth.

H. 108. An act relating to Vermont standards for issuing a Clean Water Act section 401 certification.

Proposal of Amendment; Third Reading Ordered

H. 210.

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

An act relating to addressing disparities and promoting equity in the health care system.

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. FINDINGS

The General Assembly finds that:

(1) The Department of Health's 2018 State Health Assessment indicates that Vermont residents experience barriers to the equal enjoyment of good health based on race and ethnicity, sexual orientation, gender identity, and disability status.

(2) According to the 2018 Department of Health's Behavioral Risk Factor Surveillance System report, non-White Vermonters are:

(A) statistically less likely to have a personal doctor;

(B) statistically more likely to report poor mental health;

(C) more than twice as likely to report rarely or never getting the necessary emotional support;

(D) significantly more likely to have depression;

(E) significantly more likely to have been worried about having enough food in the past year; and

(F) significantly more likely to report no physical activity during leisure time.

(3) According to the Department of Mental Health’s analysis entitled “Race Data VPCH Admissions,” which reviewed patients admitted from May 1, 2019 to April 30, 2020, Non-White Vermonters are disproportionately represented in the highest level of involuntary hospitalization. At the Vermont Psychiatric Care Hospital, 15 percent of the patients are non-White.

(4)(A) Non-White Vermonters have also been disproportionately affected by COVID-19. According to a data brief published on the Department of Health’s website in December 2020, entitled “COVID-19 among Vermonters who are Black, Indigenous, and People of Color (BIPOC),” nearly one in every five COVID-19 cases in Vermont are among Black, Indigenous, and Persons of Color even though these Vermonters make up approximately six percent of Vermont’s population. According to that same data brief, the incidence rate for non-White Vermonters is 74.2 versus 26.2 for White Vermonters. The incidence rate for Black Vermonters is 225.7; the incidence rate for Asian Vermonters is 61; the incidence rate for Hispanic Vermonters is 41.7; and the incidence rate for other races is 20.5. Non-White Vermonters are also at a higher risk for more serious outcomes, such as hospitalization.

(B) According to the Department of Health’s December 2020 data brief, COVID-19 cases among non-White Vermonters tend to be younger than for White Vermonters. The average age of persons testing positive for COVID-19 is 33 among non-White Vermonters, whereas the average age is 46 among White Vermonters.

(C) While, according to the Department of Health’s 2018 Behavior Risk Factor Surveillance System, there are not statistically significant differences in the rates of preexisting conditions, such as diabetes, lung disease, and cardiovascular disease, among White and non-White Vermonters, the Vermont Department of Health’s December 2020 data brief indicates that there are disparities in the rates of preexisting conditions among Vermonters testing positive for COVID-19. As stated in that data brief, the preexisting conditions rate among COVID-19 cases is 19.4 percent for non-White Vermonters and 12.1 percent for White Vermonters. According to the same December 2020 data brief, this suggests that non-White Vermonters are at higher risk of exposure to COVID-19 due to their type of employment and living arrangements. Thirty-six percent of non-White Vermonters had household contact with a confirmed case of COVID-19, as compared to only 20 percent of White Vermonters as stated in the Department of Health’s December 2020 data brief.

(5) According to the 2018 Vermont Behavioral Risk Factor Surveillance System Report, adults with a disability are:

(A) five times as likely to consider suicide than adults with no disability;

(B) eight times more likely to report fair or poor health than adults with no disability;

(C) statistically more likely to delay care due to cost than adults with no disability;

(D) seven times more likely to report poor physical health than adults with no disability;

(E) statistically more likely to report poor mental health in the past month than adults with no disability;

(F) more than twice as likely to report rarely or never getting the necessary emotional support as compared to White adults with no disability;

(G) statistically more likely to report having arthritis than adults with no disability;

(H) statistically more likely to have asthma than adults with no disability;

(I) nearly twice as likely to have ever had cancer than adults without a disability;

(J) statistically more likely to have had skin cancer than adults with no disability;

(K) three times more likely to report having cardiovascular disease than adults with no disability;

(L) five times more likely to report having chronic obstructive pulmonary disease than Vermonters with no disability;

(M) significantly more likely to have depression than adults with no disability;

(N) three times as likely to report having diabetes than those with no disability;

(O) significantly more likely to report having hypertension than those with no disability;

(P) statistically more likely to report having kidney disease than adults with no disability;

(Q) significantly more likely to have been worried about having enough food in the past year when compared to adults with no disability;

(R) more than three times as likely to report housing insecurity in the past year than adults with no disability; and

(S) significantly more likely to report no physical activity during leisure time than adults with no disability.

(6) According to the 2018 Vermont Behavior Risk Factor Surveillance System Report, adults who are LGBTQ are:

(A) three times as likely to report seriously considering suicide compared to non-LGBTQ adults;

(B) statistically more likely to delay care due to cost than non-LGBTQ adults;

(C) statistically more likely to report poor mental health in the past month than non-LGBTQ adults;

(D) statistically more likely to report a disability than non-LGBTQ adults;

(E) statistically more likely to have asthma than non-LGBTQ adults;

(F) significantly more likely to have depression than non-LGBTQ adults; and

(G) significantly more likely to have been worried about having enough food in the past year when compared to non-LGBTQ adults.

(7) LGBTQ youths, according to Vermont's 2019 Youth Risk Behavior Survey, are:

(A) four times more likely to purposefully hurt themselves in the preceding 12 months and four times more likely to make a suicide plan in the preceding 12 months than cisgender, heterosexual peers;

(B) five times more likely to have attempted suicide in the preceding 12 months than cisgender, heterosexual peers;

(C) over three times more likely to experience unwanted sexual contact as compared to cisgender, heterosexual peers;

(D) twice as likely to experience bullying during the preceding month and significantly more likely to skip school due to safety concerns at or on their way to or from school as compared to cisgender, heterosexual peers;

(E) nearly three times more likely to experience housing insecurity as compared to cisgender, heterosexual peers;

(F) twice as likely to face food insecurity as compared to cisgender, heterosexual peers; and

(G) twice as likely to report having a physical disability, long-term health problem, emotional problem, or learning disability as compared to cisgender, heterosexual peers.

(8) According to Preliminary Data from the 2018 State Health Assessment presented to the House Committee on Health Care by the Department of Health in January 2018, Vermonters who experience health inequities report that they:

(A) face discrimination, prejudice, and racism that is often invisible to others;

(B) do not trust and feel misunderstood by “the system”;

(C) do not feel valued, included, or safe;

(D) feel like services are not designed to support them;

(E) feel a lack of agency over their health and their own lives; and

(F) believe this takes place because our society has been structured to maintain a status quo that provides them with unequal opportunities.

(9) Vermont’s 2018 State Health Assessment indicates that social determinants of health are underlying, contributing factors of the foregoing health inequities. That is, disparities in social determinants of health contribute to health inequities. Disparities in the social determinants of health exist in Vermont. For example:

(A) According to the Vermont Housing Finance Agency, just 21 percent of Black Vermonters own their own homes, whereas 72 percent of White Vermonters own their own home. Nationally, 41 percent of Black Americans own their own home.

(B) According to the Vermont Housing Finance Agency, the median household income of Black Vermonters is \$41,533.00, while the median household income of White Vermonters is \$58,244.00.

(C) According to the U.S. Census Bureau, in 2018, 23.8 percent of Black Vermonters were living in poverty, while 10.7 percent of White Vermonters lived in poverty. In addition, according to the Vermont Housing Finance Agency, 57 percent of Black Vermonters earned less than 80 percent of Vermont’s median income, while 43 percent of White Vermonters earned less than 80 percent of Vermont’s median income.

(D) According to the Vermont Housing Finance Agency, about one in two non-White Vermonters experience “housing problems,” which is defined by the U.S. Department of Housing and Urban Development as homes that lack complete kitchen facilities or plumbing; overcrowded homes; or households paying more than 30 percent of income towards rent, mortgage payments, and utilities. One in three Vermonters experience “housing problems.”

(E) According to the Vermont Coalition to End Homelessness and Chittenden County Homeless Alliance’s 2020 Point-in-Time Count, Black Vermonters are overrepresented among Vermonters experiencing homelessness. While Black Vermonters make up about one percent of Vermont’s population, they make up six percent of Vermonters experiencing homelessness.

(10) According to the Indian Health Service, “[t]he American Indian and Alaska Native people have long experienced lower health status when compared with other Americans,” including a life expectancy among American Indian and Alaska Native people born today that is 5.5 years less than the U.S. all races population.

(11) As outlined in 2021 J.R.H. 2, Vermont’s “State-sanctioned eugenics policies targeted Vermonters of Native American Indian heritage, including French-Indian and Abenaki families, and persons of mixed ethnicity and of French-Canadian heritage, as well as the poor and persons with disabilities, among others.” These policies, including the State’s 1931 sterilization law, are examples of past injustices in the health care system that continue to impact members of these communities in present day.

Sec. 2. LEGISLATIVE INTENT AND PURPOSE

(a) It is the intent of the General Assembly to promote health and achieve health equity by eliminating avoidable and unjust disparities in health through a systemic and comprehensive approach that addresses social, economic, and environmental factors that influence health. To this end, the General Assembly believes that:

(1) Equal opportunity is a fundamental principle of American democracy.

(2) Equal enjoyment of the highest attainable standard of health is a human right and a priority of the State.

(3) Structural racism, defined as the laws, policies, institutional practices, cultural representations, and other societal norms that often work together to deny equal opportunity, has resulted in health disparities among Vermonters. Great social costs arise from these inequities, including threats to

economic development, democracy, and the social health of the State of Vermont.

(4) Health disparities are a function of not only access to health care, but also social determinants of health, including the environment, the physical structure of communities, nutrition and food options, educational attainment, employment, race, ethnicity, sex, geography, language preferences, immigrant or citizen status, sexual orientation, gender identity, and socioeconomic status, that directly and indirectly affect the health, health care, and wellness of individuals and communities.

(5) Efforts to improve health in the United States have traditionally looked to the health care system as the key driver of health and health outcomes. However, there has been increased recognition that improving health and achieving health equity will require broader approaches that address factors that influence health.

(6) Health equity is the attainment of the highest level of health for all people. Health equity can be achieved only by eliminating the preventable differences in the health of one group over another as the result of factors such as race, sexual orientation, gender, disability, age, socioeconomic status, or geographic location.

(7) Definitions of racial categories and identities can be difficult to agree upon, as they often create hierarchies and comparisons that center whiteness, prioritize one group or identity over another, or fail to recognize historical inequities and oppression. Definitions also shift over time as broader cultural norms change. While potentially problematic, in order to align with data collection standards and create consistency, this bill does use the term “non-White” as defined in 18 V.S.A. § 251 and also seeks to create new definitions that better reflect racial and ethnic identities and categories pursuant to Sec. 6 of this act.

(b) The purpose of this act is to eliminate disparities in health status based on race, ethnicity, disability, and LGBTQ status by:

(1) establishing better and more consistent collection and access to data;

(2) enhancing the full range of available and accessible culturally appropriate health care and public services across Vermont;

(3) ensuring the early and equitable inclusion of Vermonters who experience health inequities because of race, ethnicity, disability, and LGBTQ status in efforts to eliminate such inequities; and

(4) addressing social determinants of health, particularly social, economic, and environmental factors that influence health.

Sec. 3. 18 V.S.A. chapter 6 is added to read:

CHAPTER 6. HEALTH EQUITY

§ 251. DEFINITIONS

As used in this chapter:

(1) “Cultural competency” means a set of integrated attitudes, knowledge, and skills that enables a health care professional to care effectively for patients from cultures, groups, and communities other than that of the health care professional. At a minimum, cultural competency should include the following:

(A) awareness and acknowledgement of the health care professional’s own culture;

(B) utilization of cultural information to establish therapeutic relationships;

(C) eliciting and incorporating pertinent cultural data in diagnosis and treatment;

(D) understanding and applying cultural and ethnic data to the process of clinical care; and

(E) the ability to recognize the importance of communication, language fluency, and interpretation in the provision of health care services and assist with access to interpretation and appropriate communication services.

(2) “Cultural humility” means the ability to maintain an interpersonal stance that is other-oriented, or open to the other, in relation to aspects of cultural identity that are most important to the client or patient.

(3) “Health disparity” means differences that exist among specific population groups in the United States in attaining individuals’ full health potential that can be measured by differences in incidence, prevalence, mortality, burden of disease, and other adverse health conditions.

(4) “Health equity” means all people have a fair and just opportunity to be healthy, especially those who have experienced socioeconomic disadvantage, historical injustice, and other avoidable systemic inequalities that are often associated with the social categories of race, gender, ethnicity, social position, sexual orientation, and disability.

(5) “Health equity data” means demographic data, including, but not limited to, race, ethnicity, primary language, age, gender, socioeconomic position, sexual orientation, disability, homelessness, or geographic data that

can be used to track health equity.

(6) “LGBTQ” means Vermonters who identify as lesbian, gay, bisexual, transgender, queer, or questioning.

(7) “Non-White” means Black, Indigenous, and Persons of Color. It is not intended to reflect self-identity, but rather how people are categorized in the racial system on which discrimination has been historically based in the United States and how Vermont typically disaggregates data solely by White and non-White.

(8) “Race and ethnicity” mean the categories for classifying individuals that have been created by prevailing social perceptions, historical policies, and practices. Race and ethnicity include how individuals perceive themselves and how individuals are perceived by others.

(9) “Social determinants of health” are the conditions in the environments where people are born, live, learn, work, play, worship, and age, such as poverty, income and wealth inequality, racism, and sex discrimination, that affect a wide range of health, functioning, and quality-of-life outcomes and risks. They can be grouped into five domains: economic stability; education access and quality; health care access and quality; neighborhood and built environment; and social and community context. Social determinants of health are systematic, interconnected, cumulative, and intergenerational conditions that are associated with lower capacity to fully participate in society.

§ 252. HEALTH EQUITY ADVISORY COMMISSION

(a) Creation. There is created the Health Equity Advisory Commission to promote health equity and eradicate health disparities among Vermonters, including particularly those who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities. The Advisory Commission shall amplify the voices of impacted communities regarding decisions made by the State that impact health equity, whether in the provision of health care services or as the result of social determinants of health. The Advisory Commission shall also provide strategic guidance on the development of the Office of Health Equity, including recommendations on the structure, responsibilities, and jurisdiction of such an office.

(b)(1) Membership. The Advisory Commission shall be composed of the following members:

(A) the Executive Director of Racial Equity established pursuant to 3 V.S.A. § 5001 or designee;

(B) the Commissioner of Health or designee;

- (C) the Commissioner of Mental Health or designee;
- (D) the Commissioner of Disabilities, Aging, and Independent Living or designee;
- (E) the Commissioner of Vermont Health Access or designee;
- (F) the Commissioner for Children and Families or designee;
- (G) the Commissioner of Housing and Community Development or designee;
- (H) the Commissioner of Economic Development or designee;
- (I) the Chief Performance Officer or designee;
- (J) the Chief Prevention Officer or designee;
- (K) a member, appointed by the Racial Justice Alliance;
- (L) a member, appointed by the Rutland Area NAACP;
- (M) a member, appointed by the Association of Africans Living in Vermont;
- (N) a member, appointed by the Windham County Vermont NAACP;
- (O) a member, appointed by the Pride Center of Vermont;
- (P) a member, appointed by Outright Vermont;
- (Q) a member, appointed by Migrant Justice;
- (R) a member, appointed by Out in the Open;
- (S) a member, appointed by Another Way Community Center;
- (T) a member, appointed by Vermont Psychiatric Survivors;
- (U) a member, appointed by the Vermont Center for Independent Living;
- (V) a member, appointed by the Elnu Abenaki Tribe;
- (W) a member, appointed by the Nulhegan Abenaki Tribe;
- (X) a member, appointed by the Koasek Traditional Nation of Missiquoi;
- (Y) a member, appointed by the Abenaki Nation of Missiquoi;
- (Z) a member, appointed by the Vermont Commission on Native American Affairs;
- (AA) a member, appointed by Green Mountain Self-Advocates;

(BB) a member, appointed by the Vermont Developmental Disabilities Council;

(CC) a member, appointed by Vermont Federation of Families for Children's Mental Health; and

(DD) any other members at large that the Advisory Commission deems necessary to appoint to carry out the functions of this section, including ensuring equitable representation and a balance between impacted communities, and that health care provider perspectives are represented, based on a majority vote of the members.

(2) The term of office of each appointed member shall be three years, with the exception that members at large shall each have a term of one year. Of the members first appointed, who are not designated as at-large members, ten shall be appointed for a term of one year, ten shall be appointed for a term of two years, and nine shall be appointed for a term of three years. Members shall hold office for the term of their appointments and until their successors have been appointed. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members are eligible for reappointment.

(c) Powers and duties. The Advisory Commission shall:

(1) provide guidance on the development of the Office of Health Equity, which shall be established based on the Advisory Commission's recommendations not later than January 1, 2023, including on:

(A) the structure, responsibilities, and jurisdiction of the Office;

(B) whether the Office shall be independent and, if not, in which State agency or department it shall be situated;

(C) how the Office shall be staffed;

(D) the populations served and specific issues addressed by the Office;

(E) the duties of the Office, including how grant funds shall be managed and distributed; and

(F) the time frame and necessary steps to establish the Office;

(2) provide advice and make recommendations to the Office of Health Equity once established, including input on:

(A) any rules or policies proposed by the Office;

(B) the awarding of grants and the development of programs and services;

(C) the needs, priorities, programs, and policies relating to the health of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities; and

(D) any other issue on which the Office of Health Equity requests assistance from the Advisory Commission;

(3) review, monitor, and advise all State agencies regarding the impact of current and emerging State policies, procedures, practices, laws, and rules on the health of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities;

(4) identify and examine the limitations and problems associated with existing laws, rules, programs, and services related to the health status of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities;

(5) advise the Department of Health and General Assembly on any funding decisions relating to eliminating health disparities and promoting health equity, including the distribution of federal monies related to COVID-19;

(6) to the extent funds are available for the purpose, distribute grants that stimulate the development of community-based and neighborhood-based projects that will improve the health outcomes of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities; and

(7) advise the General Assembly on efforts to improve cultural competency, cultural humility, and antiracism in the health care system through training and continuing education requirements for health care providers and other clinical professionals.

(d) Assistance. The Advisory Commission shall have the administrative, legal, and technical assistance of the Agency of Administration at the request of the Executive Director of Racial Equity.

(e) Report. Annually, on or before January 15, the Advisory Commission shall submit a written report to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services with its findings and any recommendations for legislative action. The Advisory Commission is encouraged to base recommendations on the data collected and analysis completed pursuant to section 253 of this title.

(f) Meetings.

(1) The Executive Director of Racial Equity or designee shall call the first meeting of the Advisory Commission to occur on or before September 1, 2021.

(2) The Advisory Commission shall select a chair and vice chair at its first meeting and annually thereafter.

(3) The Advisory Commission shall adopt procedures to govern its proceedings, including voting procedures and how the staggered terms shall be apportioned among members.

(4) All meetings of the Advisory Commission and any subcommittees of the Advisory Commission shall be open to the public with opportunities for public comment provided on a regular basis.

(g) Acceptance of grants and other contributions. The Advisory Commission may accept from any governmental department or agency, public or private body, or any other source grants or contributions to be used in carrying out its responsibilities under this chapter.

(h) Compensation and reimbursement. Appointed members of the Advisory Commission shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for meetings as deemed appropriate by the Advisory Commission within the appropriation provided. These payments shall be made from monies appropriated to the Agency of Administration.

§ 253. DATA RESPONSIVE TO HEALTH EQUITY INQUIRIES

(a) Each State agency, department, board, or commission that collects health-related, individual data shall include in its data collection health equity data disaggregated by race, ethnicity, gender identity, age, primary language, socioeconomic status, disability, and sexual orientation. Data related to race and ethnicity shall use separate collection categories and tabulations, disaggregated beyond non-White and White, in accordance with the recommendation made by the Executive Director of Racial Equity, in consultation with the Advisory Commission.

(b)(1) The Department of Health shall systematically analyze such health equity data using the smallest appropriate units of analysis feasible to detect racial and ethnic disparities, as well as disparities along the lines of primary language, sex, disability status, sexual orientation, gender identity, and socioeconomic status, and report the results of such analysis on the Department's website periodically, but not less than biannually. The Department's analysis shall be used to measure over time the impact of actions taken to reduce health disparities in Vermont. The data informing the Department's analysis shall be made available to the public in accordance with State and federal law.

(2) Annually, on or before January 15, the Department shall submit a report containing the results of the analysis conducted pursuant to

subdivision (1) of this subsection to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services.

Sec. 4. 3 V.S.A. § 5003 is amended to read:

§ 5003. DUTIES OF EXECUTIVE DIRECTOR OF RACIAL EQUITY

(a) The Executive Director of Racial Equity (Director) shall work with the agencies and departments 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, including:

(1) 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;

(2) 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

(3) developing a model fairness and diversity policy and reviewing and making recommendations regarding the fairness and diversity policies held by all State government systems; and

(4) temporarily overseeing the establishment of the Health Equity Advisory Commission established pursuant to 18 V.S.A. § 252 until the Office of Health Equity is established.

* * *

Sec. 5. REPORT; CONTINUING EDUCATION

On or before October 1, 2022, the Health Equity Advisory Commission established pursuant to 18 V.S.A. § 252, in consultation with licensing boards, professional organizations, and providers of all health care and clinical professions, shall submit a written report to the House Committee on Health Care and to the Senate Committee on Health and Welfare with its recommendations for improving cultural competency and cultural humility and antiracism in Vermont's health care system through initial training, continuing education requirements, and investments.

Sec. 6. REPORT; FISCAL YEAR 2023 BUDGET RECOMMENDATIONS;
INCLUSIVE DEFINITIONS; AMERICAN RESCUE PLAN ACT
FUNDING

As part of the annual report that shall be submitted by the Health Equity Advisory Commission pursuant to 18 V.S.A. § 252(e), the Advisory Commission shall include:

(1) budget recommendations for continuation of its work in fiscal year 2023, if necessary, and for the funding of the Office of Health Equity;

(2) recommendations on:

(A) appropriate and inclusive terms to replace the term “non-White” in 18 V.S.A. chapter 6; and

(B) disaggregating data categories and tabulations beyond non-White and White in accordance with 18 V.S.A. § 253(a); and

(3) recommendations for most effectively utilizing funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2 in a manner that promotes health and achieves health equity by eliminating avoidable and unjust disparities in health on the basis of race, ethnicity, disability, or LGBTQ status.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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 bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Health and Welfare.

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

Adjournment

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

FRIDAY, APRIL 30, 2021

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. 61

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

Madam President:

I am directed to inform the Senate that:

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

H. 445. An act relating to approval of an amendment to the charter of the Town of Underhill.

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

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

S. 42. An act relating to establishing the Emergency Service Provider Wellness Commission.

S. 66. An act relating to electric bicycles.

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

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

H. 218. An act relating to the sale of unpasteurized raw milk.

And has severally concurred therein.

Message from the House No. 62

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

Madam President:

I am directed to inform the Senate that:

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

H. 145. An act relating to amending the standards for law enforcement use of force.

And has severally concurred therein.

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

H.C.R. 52. House concurrent resolution congratulating the Champlain Valley Union High School Redhawks girls' cross-country team on winning a 12th consecutive Division 1 championship.

H.C.R. 53. House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks boys' golf team on winning

its third consecutive Division I championship.

H.C.R. 54. House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks Division I boys' cross-country championship team.

H.C.R. 55. House concurrent resolution honoring the Cystic Fibrosis Lifestyle Foundation for its achievements on behalf of persons with cystic fibrosis.

H.C.R. 56. House concurrent resolution honoring Elaine Pinckney for her illustrious career in public education.

H.C.R. 57. House concurrent resolution honoring former Arlington Selectboard Chair Keith Squires and former Arlington School Board Chair Donna Squires for their dedicated municipal civic service.

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

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

S.C.R. 5. Senate concurrent resolution designating May 2021 as Mental Health Awareness Month in Vermont.

And has adopted the same in concurrence.

The Governor has informed the House that on April 29, 2021, he approved and signed bills originating in the House of the following titles:

H. 20. An act relating to pretrial risk assessments and pretrial services.

H. 151. An act relating to vital records, mausoleums and columbaria, and emergency health orders.

H. 154. An act relating to the failure of municipal officers to accept office.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 148.

By Senators Ram, Campion, Hardy, Lyons, Pearson, Perchlik and Pollina,

An act relating to environmental justice in Vermont.

To the Committee on Natural Resources and Energy.

Bill Referred

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

H. 445.

An act relating to approval of an amendment to the charter of the Town of Underhill.

To the Committee on Rules.

**Proposal of Amendment; Third Reading Ordered; Rules Suspended;
Remaining States; Bill Passed**

H. 171.

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

An act relating to the governance and financing of Vermont's child care system.

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:

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly:

(1) that immediate investments are necessary to support Vermont's economy, ensure that all families with young children have affordable access to high-quality child care and early education, and that Vermont's early childhood educators are fairly compensated and well supported; and

(2) to continue and build upon the five-year redesign of the Child Care Financial Assistance Program that began in fiscal year 2020.

* * * Child Care Financial Assistance Program * * *

Sec. 2. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

(2) The subsidy authorized by this subsection shall be ~~on a sliding scale basis. The scale shall be~~ established by the Commissioner, by rule, and shall

bear a reasonable relationship to income and family size. ~~The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the current federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the current federal poverty guidelines nor more than 100 percent of the State median income, adjusted for the size of the family. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to 150 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including 350 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.~~

* * *

Sec. 3. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS

* * *

(c)(1) The payment schedule established by the Commissioner may reimburse providers in accordance with the results of the most recent Vermont Child Care Market Rate Survey.

(2) The payment schedule shall include reimbursement rate caps tiered in relation to provider ratings in the Vermont STARS program. The lower limit of the reimbursement rate caps shall be not less than the 50th percentile of all reported rates for the same provider setting in each rate category.

Sec. 4. APPROPRIATION AND LEGISLATIVE INTENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) In fiscal year 2022, \$5,529,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the purpose of implementing Secs. 2 and 3 of this act.

(b) It is the intent of the General Assembly that:

(1) consideration be made in fiscal years 2023 through 2026 to progressively adjust the upper income limit of the Child Care Financial Assistance Program fee scale each year; and

(2) the co-payment at the upper limit of the income eligibility scale for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income.

* * * Bright Futures Information System * * *

Sec. 5. BRIGHT FUTURES INFORMATION SYSTEM;
MODERNIZATION PLAN

(a) Funds for the modernization of the Bright Futures Information System are located within the Technology Modernization Reserve.

(b)(1) On or before October 1, 2021, the Department for Children and Families' Child Development Division shall make every reasonable effort to achieve full functionality of the first module of the modernized Bright Futures Information System.

(2) On or before August 1, 2021, the Department for Children and Families' Child Development Division shall convene and consult with a Bright Futures Information System end-user group, composed of child care providers, eligibility specialists from community child care support agencies, families participating in the Child Care Financial Assistance Program, and any other relevant stakeholders. The Division shall provide periodic updates to the end-user group regarding the Division's progress in completing the modernization project and any successes or challenges identified once the modernized Bright Futures Information System is operational. The Division shall actively seek advice and feedback from the end-user group regarding the modernized Bright Futures Information System. The end-user group shall be dissolved following full functionality of all components of the modernized Bright Futures Information System.

* * * Workforce Supports * * *

Sec. 6. 33 V.S.A. chapter 35, subchapter 5 is added to read:

Subchapter 5. Workforce

§ 3541. SCHOLARSHIPS FOR CURRENT EARLY CHILDHOOD PROVIDERS

(a) There is established a need-based scholarship program for individuals employed by a regulated, privately operated center-based child care program or family child care home while acquiring credits in early childhood development or that are related directly to working with children from birth through eight years of age.

(b) The Department for Children and Families may contract for the administration of the program set forth in subsection (a) of this section and

adopt policies, procedures, and guidelines necessary for its implementation.

(c) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

§ 3542. SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD PROVIDERS

(a)(1) There is established a need-based scholarship program for individuals pursuing a college degree in early childhood education or early childhood special education. The scholarship program shall provide financial assistance up to the full cost of tuition for an eligible individual.

(2) An eligible individual shall:

(A) attend a Vermont college or university at least part-time;

(B) be pursuing an associates or bachelor's degree in early childhood education or early childhood special education; and

(C) commit to working in a regulated, privately operated center-based child care program or family child care home in Vermont for years equal to those in which scholarship monies are sought under this section.

(b)(1) The Department for Children and Families shall adopt policies, procedures, and guidelines necessary for implementation of the program described in subsection (a) of this section.

(2) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c)(1) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(2) An eligible individual who does not work the required number of years in a regulated, privately operated center-based child care program or family child care home in Vermont after completion of the individual's degree program shall repay scholarship monies received under this section commensurate with the balance of the eligible individual's time commitment.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

§ 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year;

(B) receive an annual salary of not more than \$50,000.00; and

(C) have earned an associates or bachelor's degree with a major concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services within the preceding five years.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

(b)(1) The Department shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

(2) Student loan repayments shall be available pursuant to this section on a first-come, first-served basis until appropriated funds are depleted.

(3) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c) An individual shall not simultaneously participate in the student loan repayment assistance program set forth in this section and either of the scholarship programs set forth in section 3541 or 3542 of this title.

Sec. 7. APPROPRIATION AND EVALUATION; EARLY CHILDHOOD
WORKFORCE PROGRAMS

(a) In fiscal year 2022:

(1) \$300,000.00 is appropriated to the Department for Children and Families' Child Development Division for the current early childhood provider scholarship program established pursuant to 33 V.S.A. § 3541.

(2) \$400,000.00 is appropriated to the Department for Children and Families for the prospective early childhood provider scholarship program established pursuant to 33 V.S.A. § 3542.

(3) \$1,800,000.00 is appropriated to the Department for Children and Families for the student loan repayment assistance program established pursuant to 33 V.S.A. § 3543.

(b) On or before October 1, 2025, the Department for Children and Families' Child Development Division, in consultation with stakeholders, shall submit a report to the House Committees on Commerce and Economic Development and on Human Services and to the Senate Committees on Economic Development, Housing, and General Affairs and on Health and Welfare:

(1) evaluating the effectiveness of the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 at recruiting and retaining providers in Vermont's child care and early learning system; and

(2) recommending whether the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 shall be repealed in accordance with Sec. 8 of this act, retained and funded in their current state, or retained with amendment.

Sec. 8. REPEALS

(a) 33 V.S.A. § 3541(d) (reference to student loan repayment assistance program) is repealed on July 1, 2026.

(b) 33 V.S.A. § 3542 (scholarships for prospective early childhood providers) is repealed on July 1, 2026.

(c) 33 V.S.A. § 3543 (student loan repayment assistance program) is repealed on July 1, 2026.

* * * Building Bright Futures' Powers and Duties * * *

Sec. 9. 33 V.S.A. § 4603 is amended to read:

§ 4603. POWERS AND DUTIES

The Council established by section 4602 of this title shall have the following powers and duties necessary and appropriate to effectuating the purposes of this chapter:

(1) Advise the Administration and General Assembly on:

(A) the status and needs of the early care, health, and education system by conducting a review of the status of young children in Vermont and the care, health, and education services and systems that support them; and

(B) planning related to and the administration and operation of Vermont's child care system.

* * *

(3) Develop an early care, health, and education system plan for Vermont to serve as the basis for policy and funding recommendations, which shall reflect the growing diversity of Vermont's children and families.

* * *

(12) Convene members of the child care community, medical community, education community, business community, and other organizations, as well as State agencies serving young children, to ensure that families receive quality services in the most efficient and cost-effective manner.

* * *

* * * Recommendations on the American Rescue Plan Act of 2021 * * *

Sec. 10. RECOMMENDATIONS; AMERICAN RESCUE PLAN ACT OF 2021; CHILD CARE DEVELOPMENT BLOCK GRANT

(a) Purpose and membership. The Department for Children and Families, in coordination with Building Bright Futures, shall convene a child care working group composed of mutually agreed to stakeholders that reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color. Members of this working group shall include a representative from both the House Committee on Human Services and the Senate Committee on Health and Welfare, as well as individuals representing a range of employer and business interests, families, child care and afterschool providers, child welfare advocates, and consultation with any other individuals necessary to make recommendations for most

effectively utilizing Child Care Development Block Grant funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to meet the immediate and future child care needs of Vermonters.

(b) Powers and duties. The working group shall make recommendations to the General Assembly to ensure that the use of the ARPA Child Care Development Block Grant is fully utilized. The working group shall consider the following priorities but need not be limited to consideration of the listed priorities:

(1) bridge funding necessary to ensure that the co-payment for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income;

(2) bridge funding to expand the Child Care Financial Assistance Program to families whose incomes are up to 400 percent of the current federal poverty level;

(3) funding necessary to complete the child care and early childhood education systems analysis and financing studies pursuant to Sec. 14 of this act;

(4) funding necessary to implement the child care workforce support programs established in 33 V.S.A. chapter 35, subchapter 5;

(5) increased access to high-quality infant care;

(6) access to high-quality, affordable child care for culturally and racially diverse families;

(7) support and assistance to stabilize regulated, privately operated center-based child care programs and family child care homes; and

(8) the identification of any statutory or regulatory barriers to using the ARPA funds to address the immediate and future child care needs of Vermonters.

(c) Report. On or before November 30, 2021, the Department for Children and Families shall submit a written report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare containing the working group's recommendations.

(d) Meetings.

(1) The Commissioner for Children and Families or designee and the Executive Director of Building Bright Futures shall call the first meeting of the working group and shall serve as Co-Chairs.

(2) A majority of the membership shall constitute a quorum.

(3) The working group shall cease to exist on December 1, 2021.

Sec. 11. RECOMMENDATIONS; AMERICAN RESCUE PLAN ACT OF 2021; CHILD CARE STABILIZATION GRANTS

(a) Purpose and membership. The Department for Children and Families, in coordination with Building Bright Futures, shall convene a child care working group composed of mutually agreed to stakeholders that reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color. Members of this working group shall include a representative from both the House Committee on Human Services and the Senate Committee on Health and Welfare, child care and afterschool providers, and consultation with any other individuals necessary to make recommendations for most effectively utilizing Child Care Stabilization Grants funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to meet the immediate and future child care needs of Vermonters.

(b) Powers and duties. The working group shall make recommendations to ensure that the use of the ARPA Child Care Stabilization Grants funding is fully utilized in a timely manner.

(c) Report and approval. On or before September 1, 2021, the Department shall submit a written report with the working group's recommendations to the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare or their designees. The Chairs or their designees shall review the report and recommend to the Joint Fiscal Committee whether or not to approve the report's recommendations. After review of the report and the recommendations of the Chairs or their designees, the Joint Fiscal Committee shall approve the report's recommendation, disapprove the report's recommendation, or direct the Department to amend and resubmit the report to the Chairs by a date certain. Upon approval by the Joint Fiscal Committee, the Department shall distribute funds according to the report's recommendations.

(d) Meetings.

(1) The Commissioner for Children and Families or designee and the Executive Director of Building Bright Futures shall call the first meeting of the working group and shall serve as Co-Chairs.

(2) A majority of the membership shall constitute a quorum.

(3) The working group shall cease to exist on January 1, 2022.

* * * Studies and Reports * * *

Sec. 12. REPORT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ENROLLMENT MODEL

On or before July 1, 2022, the Department for Children and Families' Child Development Division shall submit to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare analyses addressing the costs and policy implications associated with moving from an attendance-based model to an enrollment-based model in the Child Care Financial Assistance Program.

Sec. 13. CHILD CARE AND EARLY CHILDHOOD EDUCATION
SYSTEMS ANALYSIS STUDY

(a)(1) On or before September 1, 2021, Building Bright Futures shall develop and issue a request for proposals to select an independent consulting entity with expertise in the field of child care and early childhood education to provide an analysis and recommendations on Vermont's child care and early education systems for children from birth through five years of age. The development of the request for proposals and selection of an independent consulting entity shall be done in consultation with the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare or their designees.

(2) On or before July 1, 2022, the independent consulting entity shall submit the analysis and recommendations to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding the following:

(A) existing child care and early childhood education systems and administrative stakeholders and structures, including functions that are currently not staffed or understaffed;

(B) emerging system needs;

(C) stakeholder engagement in decision-making processes and State plan development;

(D) mechanisms to strengthen system oversight and leverage current system strengths;

(E) identification of existing needs and challenges;

(F) ensuring data driven accountability for improvement of the current well-being and future outcomes of children and families; and

(G) ensuring that an antiracist approach is utilized in modifying existing policies and procedures and creating new policies and procedures.

(b) All findings and recommendations provided pursuant to this section shall:

(1) be divided by birth through five years of age and six years of age through 12 years of age; and

(2) rely on the work and advice provided pursuant to Sec. 10 of this act.

(c) As used in this section, “child care and early childhood education” means programming provided at a center-based child care program or family child care home regulated by the Department for Children and Families’ Child Development Division that serves children from birth through 12 years of age.

(d) In fiscal year 2022, \$200,000.00 is appropriated to the Department for Children and Families from the General Fund for the purpose of enabling Building Bright Futures to contract with an independent consulting entity pursuant to this section.

Sec. 14. CHILD CARE AND EARLY CHILDHOOD EDUCATION FINANCING STUDY

(a) On or before July 1, 2022, the Joint Fiscal Office shall contract with an economist or independent consulting entity with expertise in the field of child care and early childhood education to evaluate the economic impacts of and potential funding mechanisms to adjusting Vermont’s existing child care system regulated pursuant to 33 V.S.A. chapter 35 for children from birth through five years of age with consideration given to the intersection of and impacts on child care for children from six years of age through 12 years of age in alignment with the recommendations of the Universal Afterschool Task Force established pursuant to 2020 Acts and Resolves No. 154, Sec. B.1120.1. The work of the economist or independent consulting entity shall be governed by the following goals:

(1) that a family does not spend more than 10 percent of its gross annual income on child care;

(2) that child care providers receive compensation that is commensurate with peers in other fields; and

(3) the utilization of a cost of care model versus a market rate model in the Child Care Financial Assistance Program.

(b)(1) On or before December 1, 2022, the consultant shall submit preliminary results to the Joint Fiscal Office and to the Chairs of the House Committees on Appropriations, on Human Services, and on Ways and Means and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare.

(2) On or before January 15, 2023, the consultant shall submit to the House Committees on Appropriations, on Human Services, and on Ways and Means and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare multiple financing options for public and private funding sources, including a final report that:

(A) projects the costs of expanding the State's child care benefit to more families in accordance with this section, requiring commensurate pay for providers, and utilizing cost of care in the Child Care Financial Assistance Program and the feasibility of implementing each policy in Vermont, both separately and jointly; and

(B) identifies and determines the feasibility of implementing stable, long-term funding sources to finance an affordable, high-quality early child care system for children from birth through five years of age.

* * * Federal Funding, Administration * * *

Sec. 15. FEDERAL FUNDS; ANTICIPATED RECEIPTS

(a) To the extent that appropriations in this act are made from federal funds provided by the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA), including State holding funds that are established as a result of the ARPA, the Commissioner of Finance and Management is authorized to make expenditures in anticipation of receipts as necessary. In the event monies received by the State under ARPA cannot be used for their designated purpose, appropriations shall instead be made from the General Fund.

(b) The appropriations in this act from funds provided by ARPA shall carry forward from fiscal year 2021 until expended.

* * * Effective Dates * * *

Sec. 16. EFFECTIVE DATES

(a) This section and Secs. 10 (recommendations; American Rescue Plan Act of 2021; Child Care Development Block Grant) and 11 (recommendations; American Rescue Plan Act of 2021; Child Care Stabilization Grants) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2021, except that Secs. 2 (Child Care Financial Assistance Program; eligibility) and 3 (payment to providers) shall take effect on October 1, 2021.

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

An act relating to child care systems and financing.

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 amendments thereto:

First: By striking out Sec. 4, appropriation and legislative intent; child care financial assistance program, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. LEGISLATIVE INTENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

It is the intent of the General Assembly that:

(1) consideration be made in fiscal years 2023 through 2026 to progressively adjust the upper income limit of the Child Care Financial Assistance Program fee scale each year; and

(2) the co-payment at the upper limit of the income eligibility scale for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income.

Second: In Sec. 5, Bright Futures Information System; modernization plan, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) To the extent funds exist in fiscal year 2022, the Department for Children and Families shall modernize the Bright Futures Information System.

Third: By striking out Sec. 7, appropriation and evaluation; early childhood workforce programs, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. EVALUATION; EARLY CHILDHOOD WORKFORCE PROGRAMS

On or before October 1, 2025, the Department for Children and Families' Child Development Division, in consultation with stakeholders, shall submit a report to the House Committees on Commerce and Economic Development and on Human Services and to the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare:

(1) evaluating the effectiveness of the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 at recruiting and retaining providers in Vermont's child care and early learning system; and

(2) recommending whether the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 shall be repealed in accordance with Sec. 8 of this act, retained and funded in their current states, or retained with amendment.

Fourth: By striking out Sec. 10, recommendations; American Rescue Plan Act; Child Care Development Block Grant, in its entirety and inserting in lieu thereof in a new Sec. 10 to read as follows:

Sec. 10. RECOMMENDATIONS; AMERICAN RESCUE PLAN OF 2021;
CHILD CARE DEVELOPMENT BLOCK GRANT

On or before January 15, 2022, the Department for Children and Families shall submit a report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare summarizing its use of the Child Care Development Block Grant funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2.

Fifth: By striking out Sec. 11, recommendations; American Rescue Plan Act of 2021; child care stabilization grants, in its entirety and inserting in lieu thereof the following:

Sec. 11. [Deleted.]

Sixth: In Sec. 13, child care and early childhood education systems analysis study, by striking out subsection (d) in its entirety.

Seventh: By striking out Sec. 15, federal funds; anticipated receipts, in its entirety and inserting in lieu thereof the following:

Sec. 15. [Deleted.]

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 on a roll call, Yeas, 30 Nays 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

Thereupon, third reading of the bill was ordered.

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence with proposal of amendment.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Proposals of Amendment; Third Reading Ordered**H. 421.**

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

An act relating to animal cruelty investigation response and training.

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

First: In Sec. 1, 13 V.S.A. §351, in subdivision (5), by striking out the word “agency” and inserting in lieu thereof the word facility

Second: By striking out Sec. 4, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 4. 13 V.S.A. § 365 is amended to read:

§ 365. SHELTER OF ANIMALS

(a) Adequate shelter. All livestock and animals that are to be predominantly maintained in an outdoor area shall be provided with adequate natural shelter or adequate constructed shelter to prevent direct exposure to the elements. Pursuant to section 351b of this title, this section shall not apply to livestock and poultry husbandry practices for raising, management, and use of animals.

(b) Shelter for livestock.

(1) Livestock animals confined in enclosed areas shall be provided with adequate ventilation and shall have access to adequate exercise. Equines

housed within a designated space continually, without access to a paddock, turn out, or other exercise area, shall be provided the opportunity for periodic exercise, either through free choice or through a forced work program, to maintain normal muscle tone and mass for the age, size, and condition of the animal or in accordance with accepted agricultural or veterinary practices. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort tie-stall, or stanchion lockups, or other housing under control of the Agency of Agriculture, Food and Markets. ~~This subdivision shall not apply to any accepted housing or grazing practices for any livestock industry.~~

* * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

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

Proposal of Amendment; Third Reading Ordered

H. 430.

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

An act relating to expanding eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals regardless of immigration status.

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. 33 V.S.A. chapter 19, subchapter 9 is added to read:

Subchapter 9. Coverage for Additional Populations

§ 2091. DR. DYNASAUR-LIKE COVERAGE; LEGISLATIVE INTENT

In establishing Dr. Dynasaur-like coverage for children and pregnant individuals who are not eligible for the Dr. Dynasaur program because of their immigration status, it is the intent of the General Assembly that the hospital, medical, dental, and prescription drug benefits and eligibility criteria for the coverage set forth in section 2092 of this chapter should align to the greatest extent practicable with the benefits and eligibility criteria of the Dr. Dynasaur program.

§ 2092. DR. DYNASAUR-LIKE COVERAGE FOR CERTAIN VERMONT RESIDENTS

(a) As used in this section, the term “Vermont residents who have an immigration status for which Medicaid coverage is not available” includes migrant workers who are employed in seasonal occupations in this State.

(b) The Agency of Human Services shall provide hospital, medical, dental, and prescription drug coverage equivalent to coverage in the Vermont Medicaid State Plan to the following categories of Vermont residents who have an immigration status for which Medicaid coverage is not available and who are otherwise uninsured:

(1) children under 19 years of age whose household income does not exceed the income threshold for eligibility under the Vermont Medicaid State Plan; and

(2) pregnant individuals whose household income does not exceed the income threshold for eligibility under the Vermont Medicaid State Plan, for coverage during their pregnancy and for postpartum coverage equivalent to that available under the Vermont Medicaid State Plan.

(c) The confidentiality provisions set forth in section 1902a of this chapter shall apply to all applications submitted and records created pursuant to this section, except that the Agency of Human Services shall not make any information regarding applicants or enrollees available to the United States government.

(d) The Agency of Human Services may adopt rules in accordance with 3 V.S.A. chapter 25 to carry out the purposes of this section.

Sec. 2. AGENCY OF HUMAN SERVICES; OUTREACH AND PROVIDER GRANTS; IMPLEMENTATION; APPROPRIATION

The sum of \$1,400,000.00 in one-time funds is appropriated to the Agency of Human Services in fiscal year 2022 to be used for the following purposes:

(1) Grants or reimbursements, or both, to health care providers for delivering health care services during fiscal year 2022 to children and pregnant individuals who have an immigration status for which Medicaid coverage is not available.

(2) Grants to Vermont organizations that work with members of Vermont’s undocumented immigrant community or with members of the health care provider community to provide culturally and linguistically appropriate outreach and information regarding opportunities for children and pregnant individuals in Vermont who have an immigration status for which Medicaid coverage is not available to access health care services at low or no

cost in fiscal year 2022 and thereafter. The outreach and information shall include information on the confidentiality of records pertaining to applicants and enrollees.

(3) Implementing the technological and operational processes necessary for the Department of Vermont Health Access to administer the coverage for Vermont residents who have an immigration status for which Medicaid coverage is not available as set forth in 33 V.S.A. § 2092 beginning on July 1, 2022.

Sec. 3. AGENCY OF HUMAN SERVICES; DR. DYNASAUR-LIKE
COVERAGE; FISCAL YEAR 2023 ESTIMATE

The Agency of Human Services shall provide information on the estimated fiscal year 2023 costs of providing coverage to Vermont residents who have an immigration status for which Medicaid coverage is not available pursuant to 33 V.S.A. § 2092 beginning on July 1, 2022 as part of the Agency's fiscal year 2023 budget presentation to the House Committees on Appropriations and on Health Care and the Senate Committees on Appropriations and on Health and Welfare.

Sec. 4. EFFECTIVE DATES

(a) Sec. 2 (Agency of Human Services; outreach and provider grants; implementation; appropriation) shall take effect on July 1, 2021.

(b) The remaining sections shall take effect on passage, with the Agency of Human Services making coverage available to Vermont residents who have an immigration status for which Medicaid coverage is not available in accordance with Sec. 1 (33 V.S.A. § 2092) beginning on July 1, 2022, subject to fiscal year 2023 appropriations for this purpose.

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

An act relating to eligibility for Dr. Dinosaur-like coverage for all income-eligible children and pregnant individuals regardless of immigration status.

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

Senator Kitchel, 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:

In Sec. 2, Agency of Human Services; outreach and provider grants; implementation; appropriation, by striking out "The sum of \$1,400,000.00 in one-time funds is appropriated to the Agency of Human Services in fiscal year

2022 to be used for the following purposes” and inserting in lieu thereof To the extent that applicable funds are appropriated in the fiscal year 2022 budget, the Agency of Human Services shall use them for the following purposes

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.

Proposal of Amendment; Third Reading Ordered

H. 434.

Senator Collamore, for the Committee on Agriculture, to which was referred House bill entitled:

An act relating to establishing the Agricultural Innovation Board.

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. 6 V.S.A. chapter 215, subchapter 7A is amended to read:

Subchapter 7A. ~~Regenerative Farming~~ Regenerative and Innovative Agriculture

* * *

§ 4964. AGRICULTURAL INNOVATION BOARD

(a) Creation. There is created the Agricultural Innovation Board that shall:

(1) Review historic recommendations for pesticide reduction in the State and coordinate with existing work groups to avoid submitting to the General Assembly conflicting policy recommendations on the regulation of pesticides and farming.

(2) Recommend practices that reduce the use of and exposure to pesticides and synthetic fertilizers in order to protect soil biology, human health, and environmental health, including recommended targets to achieve the State goal of an overall reduction in the use of pesticides consistent with sound pest or vegetative management practices.

(3) Advise the Executive Branch and the General Assembly with respect to legislation concerning the use of agricultural pest control measures and integrated pest management.

(4) Recommend to the Secretary of Agriculture, Food and Markets policies, proposed rules, or legislation for the regulation of the use of treated articles when the Board determines that use of a treated article will have a hazardous or long-term deleterious effect on the environment in Vermont, presents a likely risk to human health, or is dangerous.

(5) Recommend practices to reduce the use and generation of waste associated with plastic in farming.

(6) Incentivize farming practices that are looking to reduce the use and dependence on pesticides in their practices.

(7) Advise the Agency with regard to the regulation of plant biostimulants.

(8) Recommend studies necessary for the performance of its functions as established under this section.

(9) Explore methods and standards for transitioning farmers to practices that reduce pesticide usage.

(10) Explore methods and standards for farmers to engage in carbon sequestration or mitigation.

(11) Review the seed traits of a new genetically engineered seed proposed for sale, distribution, or use in the State.

(12) Study and issue recommendations regarding the feasibility of the use of biodegradable plastics in agriculture and the promotion of the use of and production of biodegradable plastics and similar products in Vermont.

(b) Organization of the Board.

(1) The Secretary of Agriculture, Food and Markets shall convene the Agricultural Innovation Board. Members of the Board who are not serving in an ex officio capacity shall be appointed by the Secretary of Agriculture, Food and Markets, and the Secretary shall designate a chair from among the members of the Board. The Agricultural Innovation Board shall consist of the following 13 members:

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

(B) an active farmer who is a member of an organization representing the organic farming community;

(C) a member from the University of Vermont Center for Sustainable Agriculture;

(D) the Director of the Agency of Agriculture, Food and Markets, Agrichemical Program or designee;

(E) the Director of the Agency of Agriculture, Food and Markets, Water Quality Program or designee;

(F) the Commissioner of Health or a designee with expertise in the effects of pesticides on human health;

(G) the Secretary of Natural Resources or designee;

(H) a certified crop consultant;

(I) an active farmer who is a member of an organization representing the conventional dairy industry in Vermont;

(J) an active farmer who is a member of an organization representing fruit or vegetable farmers in Vermont;

(K) an active farmer who is a member of an organization representing grass-based, non-dairy livestock farming in Vermont;

(L) a soil biologist; and

(M) a member of an environmental organization that advocates for policy regarding the management or reduction of toxic substances in the State.

(2) Members of the Agricultural Innovation Board shall be appointed for terms of three years, except initially, appointments shall be made such that one member shall serve for a term of one year and one for a term of two years. Members other than ex officio members shall be allowed to serve not more than three consecutive terms.

(3) Members of the Agricultural Innovation Board other than ex officio members and those compensated for their participation on the Board shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010(b) for each day spent in the performance of their duties, and each member shall be reimbursed for his or her actual and necessary expenses incurred in carrying out his or her duties. These payments shall be made from the Pesticide Monitoring Revolving Fund under 6 V.S.A. § 929.

(4) The Board shall meet no fewer than four times a year.

(c) Powers and Duties of the Board. The Agricultural Innovation Board shall:

(1) issue a report annually to the General Assembly on or before January 15 that recommends policy solutions to assist farmers in:

(A) reducing the use of and exposure to pesticides; and

(B) the use of innovative or alternative practices;

(2) propose an annual budget report that provides ideas for funding sources for any new programs recommended in the annual report; and

(3) survey farmers from every county in the State to help better understand how agricultural inputs, such as pesticides, synthetic fertilizers, and plastics, are currently used, as well as current challenges farmers face in reducing these inputs in order to better inform recommendations to be provided in the annual report required under subdivision (1) of this subsection.

(d) Seed Review. Prior to sale, distribution, or use in the State of a new genetically engineered seed, a majority of the Agricultural Innovation Board shall approve of the sale, distribution, or use of the seed. In order to ensure the appropriate use of traits of a new genetically engineered seed in the State, the Agricultural Innovation Board may propose to the Secretary limits or conditions on the sale, distribution, or use of a seed or recommend a limited period of time for sale of the seed.

Sec. 2. REPEAL; PESTICIDE ADVISORY COUNCIL

6 V.S.A. § 1102 (Pesticide Advisory Council) is repealed.

Sec. 3. 6 V.S.A. § 1083(a)(5) is amended to read:

(5) Issue or deny permits to any person for the use of larvicides or pupacides for mosquito control in the waters of the State pursuant to procedures adopted under 3 V.S.A. chapter 25. Such procedures shall include provisions regarding an opportunity for public review and comment on permit applications. Persons applying for a permit shall apply on a form provided by the Agency. The Secretary shall seek the advice of the ~~Vermont Pesticide Advisory Council~~ Agricultural Innovation Board when designating acceptable control products and methods for their use, and when adopting or amending procedures for implementing this subsection. Before issuing a permit under this subsection, the Secretary shall find, after consultation with the Secretary of the Agency of Natural Resources, that there is acceptable risk to the nontarget environment and that there is negligible risk to public health.

Sec. 4. 6 V.S.A. § 1103(a) is amended to read:

(a) General authority. The Secretary shall have responsibility for regulating and controlling the sale, use, storage, treatment, and disposal of pesticides and pesticide wastes, in order to promote the public health, safety, and welfare and protect agricultural and natural resources. In the performance of such duties the Secretary shall act upon the advice of the ~~Pesticide Advisory Council~~ Agricultural Innovation Board, and subject to the approval of the

Governor.

Sec. 5. 6 V.S.A. § 1104 is amended to read:

§ 1104. POWERS OF SECRETARY

The Secretary in furtherance of the purposes of this chapter may:

* * *

(6) Require pesticide dealers and applicators to keep records of the sale and use of pesticides deemed particularly toxic or hazardous by the ~~Pesticide Advisory Council~~ Agricultural Innovation Board and to have such records available for examination by the Secretary or his or her agents at his or her request; the accounting for kinds and amounts of such economic poisons, to whom sold, and where and when used, and the reporting of incidents resulting from accidental contamination or misapplication of pesticides ~~which~~ that present a hazard to humans, animals, or the environment, may be required.

* * *

(9) Make, adopt, revise, and amend reasonable rules as he or she deems necessary with the advice of the ~~Pesticide Advisory Council~~ Agricultural Innovation Board in order to carry out the provisions of this chapter.

* * *

Sec. 6. 6 V.S.A. § 1105a is amended to read:

§ 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST MANAGEMENT PRACTICES

(a) The Secretary of Agriculture, Food and Markets, upon the recommendation of the ~~Pesticide Advisory Council~~ Agricultural Innovation Board, may adopt by rule:

(1) best management practices, standards, procedures, and requirements relating to the sale, use, storage, or disposal of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

* * *

(3) requirements for the examination or inspection of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

(4) requirements for persons selling treated articles to keep or make available to the Secretary records of sale of treated articles the use of which

the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous; or

(5) requirements for reporting of incidents resulting from accidental contamination from or misuse of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous.

(b) At least 30 days prior to prefilings a rule authorized under subsection (a) of this section with the Interagency Committee on Administrative Rules under 3 V.S.A. § 837, the Secretary shall submit a copy of the draft rule to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry for review.

Sec. 7. 6 V.S.A. § 642 is amended to read:

§ 642. DUTIES AND AUTHORITY OF THE SECRETARY

(a) The Secretary shall enforce and carry out the provisions of this subchapter, including:

(1) Sampling, inspecting, making analysis of, and testing seeds subject to the provisions of this subchapter that are transported, sold, or offered or exposed for sale within the State for sowing purposes. The Secretary shall notify promptly a person who sells, offers, or exposes seeds for sale and, if appropriate, the person who labels or transports seeds, of any violation and seizure of the seeds, or order to cease sale of the seeds under section 643 of this title.

(2) Making or providing for purity and germination tests of seed for farmers and dealers on request and to fix and collect charges for the tests made.

(3) Cooperating with the U.S. Department of Agriculture and other agencies in seed law enforcement.

(4) Prior to sale, distribution, or use of a new genetically engineered seed in the State and after consultation with ~~a seed review committee convened under subsection (c) of this section~~ the Agricultural Innovation Board under section 4964 of this title, review the traits of the new genetically engineered seed. The Secretary may prohibit, restrict, condition, or limit the sale, distribution, or use of the seed in the State when determined necessary to prevent an adverse effect on agriculture in the State.

(b) The Secretary shall establish rules to carry out the provisions of this subchapter, including those governing the methods of sampling, inspecting,

analyzing, testing, and examining seeds and reasonable standards for seed.

~~(c)(1) The Secretary shall convene a seed review committee to review the seed traits of a new genetically engineered seed proposed for sale, distribution, or use in the State.~~

~~(2) A seed review committee convened under this subsection shall be composed of the Secretary of Agriculture, Food and Markets or designee and the following members appointed by the Secretary:~~

~~(A) a certified commercial agricultural pesticide applicator;~~

~~(B) an agronomist or relevant crop specialist from the University of Vermont or Vermont Technical College;~~

~~(C) a licensed seed dealer; and~~

~~(D) a member of a farming sector affected by the new genetically engineered seed.~~

~~(3) A majority of the seed review committee must approve of the sale, distribution, or use of a new genetically engineered seed prior to sale, distribution, or use in the State. In order to ensure the appropriate use or traits of a new genetically engineered seed in the State, a seed review committee may propose to the Secretary limits or conditions on the sale, distribution, or use of a seed or recommend a limited period of time for sale of the seed. [Repealed.]~~

Sec. 8. IMPLEMENTATION; TRANSITION

The Secretary of Agriculture, Food and Markets shall appoint those members of the Agricultural Innovation Board under 6 V.S.A. § 4964 on or before January 1, 2022 so that the Agricultural Innovation Board can fulfill its functions and duties.

Sec. 9. EFFECTIVE DATES

This act shall take effect on January 1, 2022, except that the authority of the Secretary of Agriculture, Food and Markets to appoint members of the Agricultural Innovation Board under 6 V.S.A. § 4964(b)(1) shall take effect on July 1, 2021.

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

Senator Starr, 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 Agriculture.

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.

Bill Passed

S. 100.

Senate bill of the following title:

An act relating to universal school breakfast and lunch for all public school students and to creating incentives for schools to purchase locally produced foods.

Was read the third time and passed, on a roll call, Yeas 29, Nays 1.

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

Roll Call

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

The Senator who voted in the negative was: Ingalls.

Bills Passed in Concurrence with Proposals of Amendment

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

H. 210. An act relating to addressing disparities and promoting equity in the health care system.

H. 438. An act relating to capital construction and State bonding.

Proposal of Amendment; Consideration Interrupted By Recess

H. 439.

House bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senators Kitchel, Balint, Baruth, Nitka, Sears, Starr and Westman moved to amend the Senate proposal of amendment as follows:

First: By striking out Sec. B.204, judiciary, in its entirety and inserting in lieu thereof a new Sec. B.204 to read as follows:

Sec. B.204 Judiciary

| | |
|-----------------------------|------------------|
| Personal services | 43,787,084 |
| Operating expenses | 10,626,239 |
| Grants | <u>121,030</u> |
| Total | 54,534,353 |
| Source of funds | |
| General fund | 48,337,826 |
| Special funds | 3,200,659 |
| Federal funds | 900,469 |
| Interdepartmental transfers | <u>2,095,399</u> |
| Total | 54,534,353 |

Second: By striking out Sec. B.207, sheriffs, in its entirety and inserting in lieu of a new Sec. B.207 to read as follows:

Sec. B.207 Sheriffs

| | |
|--------------------|------------------|
| Personal services | 4,251,923 |
| Operating expenses | <u>398,724</u> |
| Total | 4,650,647 |
| Source of funds | |
| General fund | <u>4,650,647</u> |
| Total | 4,650,647 |

Third: By striking out Sec. B.515, retired teachers' health care and medical benefits, in its entirety and inserting in lieu thereof a new Sec. B.515 to read as follows:

Sec. B.515 Retired teachers' health care and medical benefits

| | |
|-----------------|-------------------|
| Grants | <u>48,929,622</u> |
| Total | 48,929,622 |
| Source of funds | |
| General fund | 35,093,844 |
| Education fund | <u>13,835,778</u> |
| Total | 48,929,622 |

Fourth: Sec. B.1106, fiscal year 2022 one-time General Fund appropriations, in subsection (a), by striking out subdivision (8) in its entirety and inserting a new subdivision (8) to read as follows:

(8) \$175,000 to the Legislature for the Office of Legislative Operations to contract for the analytical work needed for the Task Force on Affordable, Accessible Health Care established in Sec. E.126.2 of this act.

Fifth: In Sec. C.101 subsection (b) in the last sentence by striking out the word structural.

Sixth By inserting a new section to be Sec. C.112 to read as follows:

Sec. C.112 2021 Acts and Resolves No. 9, Sec. 16 is amended to read as follows:

Sec. 16 EDUCATION SERVICES; FEDERAL FUNDS APPROPRIATIONS

(a) Afterschool and Summer Programs: In fiscal year 2021 and to be carried forward, the sum of \$4,000,000.00 is appropriated from federal funds for Elementary and Secondary Emergency School Relief (~~ESSR~~) (ESSER) provided in the American Rescue Plan Act of 2021 Section 2001(f) to the Agency of Education to be used for grants to afterschool and summer programs.

* * *

Seventh: In Sec. D.101, fund transfers, reversions and reserves, in subdivision (b)(2) after the words Secretary of State Services Funds by striking out the number \$2,867,898.00 and inserting in lieu thereof \$2,467,898.00

Eighth: By striking out Sec.E.126.2 in its entirety and inserting in lieu thereof a new Sec. E.126.2 to read as follows:

Sec. E.126.2 TASK FORCE ON AFFORDABLE, ACCESSIBLE HEALTH CARE; REPORT

(a) Creation. There is created the Task Force on Affordable, Accessible Health Care to explore opportunities to make health care more affordable for Vermont residents and employers.

(b) Membership. The Task Force shall be composed of the following six members:

(1) three current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House; and

(2) three current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees.

(c) Powers and duties. The Task Force shall explore opportunities to make health care, including prescription drugs, more affordable for Vermont residents and employers, including identifying potential opportunities to leverage federal flexibility and financing and to expand existing public health

care programs. The Task Force shall consider the following, keeping in mind the principles for health care reform enacted in 2020 Acts and Resolves No. 48 and codified at 18 V.S.A. § 9371:

(1) the long-term trends in out-of-pocket costs in Vermont in individual and small group health insurance plans and in large group health insurance plans;

(2) how Vermont's current health care system is impacting Vermont residents and businesses and their access to affordable health care;

(3) the extent to which Vermont's uninsured rate may have increased during the COVID-19 pandemic and the specific causes of any such increase;

(4) opportunities to decrease health care disparities, especially those highlighted by the COVID-19 pandemic and those attributable to a lack of access to affordable health care services;

(5) the findings and recommendations from previous studies and analyses relating to the affordability of health care coverage in Vermont; and

(6) opportunities made available by the Biden Administration to expand access to affordable health care through existing public health care programs or through the creation of new or expanded public option programs, including the potential for expanding Medicare to cover individuals between 50 and 64 years of age and for expanding Vermont's Dr. Dynasaur program to cover individuals up to 26 years of age to align with the young adult coverage under the Affordable Care Act.

(d) Public engagement. In order to gain a fuller understanding of the impact of health care affordability issues on Vermont residents, the Task Force shall:

(1) Solicit input from a wide range of stakeholders, including health care providers; health care administrators; Vermonters who lack health insurance or who have inadequate health coverage; employers; labor unions; members of the New American and Black, Indigenous, and Persons of Color communities; Vermonters with low income; and older Vermonters.

(2) Beginning on or before September 15, 2021, hold public hearings to hear from Vermont residents from around the State. Public hearings may be held in person or by remote means. A summary of the findings from these field hearings shall be included as an appendix to the Task Force report.

(e) Assistance. To the extent that applicable funds are appropriated in Sec. B.1106 of this act, the Task Force, through the Office of Legislative Operations, shall hire a consultant to provide technical and research assistance, deliver actuarial analyses as needed, and support the work of the Task Force.

In addition, the Task Force shall have the administrative, technical, and legal assistance of the Office of Legislative Operations, the Office of Legislative Counsel, and the Joint Fiscal Office.

(f) Report. On or before January 15, 2022, the Task Force shall present to the General Assembly its findings and recommendations regarding the most cost-effective ways to expand access to affordable health care for Vermonters without health insurance and those facing high health care costs and the various options available to implement these recommendations.

(g) Meetings.

(1) The first meeting of the Task Force shall occur on or before August 15, 2021.

(2) The Task Force shall select House and Senate co-chairs from among its members at its first meeting. The Co-Chairs shall alternate acting as Chair at Task Force meetings.

(3) A majority of the Task Force membership shall constitute a quorum.

(4) The Task Force shall cease to exist on January 15, 2022.

(h) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, the members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

Ninth: By inserting a new section to be Sec. E.127.1 to read as follows:

Sec. E.127.1 INFORMATION TECHNOLOGY REVIEW

(a) The Executive Branch shall transfer, upon request, one vacant position for use in the Legislative Joint Fiscal Office (JFO) for a staff position, or the JFO may hire a consultant, to provide support to the General Assembly to conduct independent reviews of State information technology projects and operations.

(b) The Secretary of Administration and the Chief Information Officer shall:

(1) provide to the JFO access to the reviews conducted by Independent Verification and Validation (IVV) firms hired to evaluate the State's current and planned information technology project, as requested;

(2) ensure that IVV firms' contracts allow the JFO to make requests for information related to the projects that it is reviewing and that such requests are provided to the JFO in a confidential manner; and

(3) provide to the JFO access to all other documentation related to current and planned information technology projects and operations, as requested.

(c) The JFO shall maintain a memorandum of understanding with the Executive Branch relating to any documentation provided under subsection (b) of this section that shall protect security and confidentiality.

(d) To fund this work for fiscal year 2022 and fiscal year 2023, notwithstanding 32 V.S.A. § 706, at the close of fiscal year 2021, \$250,000.00 in carryforward from the legislative budget shall be transferred to the JFO.

Tenth: By striking out Secs. E.207, E.207.1 and Sec.207.2 in their entireties.

Eleventh: By striking out Sec. E.207.3 in its entirety and inserting in lieu thereof a new Sec. E.207.3 to read as follows:

Sec. E.207.3 JOINT LEGISLATIVE JUSTICE OVERSIGHT
COMMITTEE; TRANSPORTS; STUDY; REPORT

(a) The Joint Legislative Justice Oversight Committee shall examine the current system for transporting prisoners and persons with a mental condition or psychiatric disability who are in the custody of the State, including transports provided by deputy sheriffs who are paid by the State pursuant to 24 V.S.A. § 290(b) and transports provided pursuant to contracts that certain State agencies have entered into with county sheriff's departments. The Committee may recommend changes to the existing system and shall identify any benefits and adverse consequences related to those recommended changes.

(b) On or before November 15, 2021, the Committee shall submit a report to the House and Senate Committees on Appropriations, on Government Operations, and on Judiciary regarding its findings and any recommendations for legislative action.

(c) In conducting its review pursuant to this section, the Committee shall review audits prepared by the Auditor of Accounts regarding the use of deputies who are paid by the State pursuant to 24 V.S.A. § 290(b) during the state of emergency declared pursuant to Executive Order 01-20, as amended, and the Inmate Transportation Study Report prepared pursuant to 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.207.

Twelfth: In Sec. E.220.1, study committee on program funding related to criminal justice fines, fees, in subsection (b), by striking out subdivisions (8) and (9) in their entireties and inserting in lieu thereof the following:

(8) the Commissioner of Public Safety or designee;

(9) the Commissioner for Children and Families or designee; and

(10) the Executive Director of the Department of State's Attorneys and Sheriffs or designee.

Thirteenth: In Sec. E.220.1, study committee on program funding related to criminal justice fines, fees, by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

(e) For purposes of its study of these issues, the Committee shall have the assistance of the Department of Finance and Management, the CCVS, and the Joint Fiscal Office.

Fourteenth: In Sec.E.227, Department of Financial Regulation; essential health benefits; benchmark plan review, in subsection (a), by striking out subdivisions (4) and (5) in their entirety and inserting in lieu thereof the following:

(4) durable medical equipment;

(5) fertility services; and

(6) at least two primary care visits per year with no cost-sharing requirement.

Fifteenth: By inserting a new Section to be Sec. E.227.1 to read as follows:

Sec. E.227.1 DEPARTMENT OF FINANCIAL REGULATION; 340B DRUG PRICING PROGRAM REPORT

(a) On or before January 15, 2022, the Department of Financial Regulation, in consultation with the Office of the Attorney General, shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance regarding national activity affecting participation in the 340B Drug Pricing Program, including;

(1) recent changes to the manner in which prescription drug manufacturers pay rebates to pharmacy benefit managers for prescriptions filled through 340B pharmacies;

(2) the potential impacts of these changes on Vermont stakeholders, including individual Vermonters; and

(3) possible State responses to prescription drug manufacturer and pharmacy benefit manger actions related to participation in the 340B Drug Pricing Program.

Sixteenth: In Sec. E.235 study; E-911 special fund, in subsection (a) after the last sentence, by adding the words , and recommendations regarding the structure or governance of the E-911 program.

Seventeenth: In Sec. E.318.1, Department for Children and Families; specialized childcare transportation, by adding a subsection (b) to read as follows:

(b) On or before November 1, 2021, the Department for Children and Families shall submit a written report to the House Committees on Appropriations and on Human Services; and the Senate Committees on Appropriations and on Health and Welfare outlining the outcome of the statewide transportation Request for Proposal regarding transportation services. The report shall identify the average number of children served under the Specialized Transportation Services program by region in fiscal year 2021 and the average number of number of children served under the Specialized Transportation Services program by region in July, August, and September 2021.

Eighteenth: In Sec. E.335, corrections appropriations, unexpended funds transfers; justice reinvestment; report, in subsection (b), in the second sentence after “Senate Committees on Appropriations and” by striking out the word “Institutions” and inserting the word Judiciary.

Nineteenth: In Sec. E.515, retired teachers’ health care and medical care and medical benefits, by adding subsection (b) to read as follows:

(b) \$13,835,778 is appropriated from the education fund for the normal cost of the Retired Teachers’ Health and Medical Benefits plan.

Twentieth: In Sec. G.301, by striking out in subsection (a), subdivision (3), in its entirety and inserting in lieu thereof a new subsection (a), subdivision (3), to read as follows:

(3) \$10,000,000 to the Secretary of Administration 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 ARPA 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.

Twenty-first: Sec. G.302, economic development investments, in subdivision (a)(2) after the last sentence, by inserting The Agency of Commerce and Community Development shall award the amount of \$1,000,000.00 in fiscal year 2022 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with VAPDA, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the

funds being used for administrative purposes.

Twenty-second: In Sec. G.400, housing and homelessness investments, by striking out in subsection (a), subdivision (1), in its entirety and inserting in lieu thereof a new subsection (a), subdivision(1) to read as follows:

(1) \$12,000,000 to Vermont Housing Conservation Board to provide housing and increase shelter capacity for Vermonters experiencing homelessness. This allocation is designed for those populations who may be displaced from the hotel/motel voucher program or are currently without housing. Vermont Housing and Conservation Board shall distribute these funds in consultation with the Secretary of Human Services.

Twenty-third: In Sec. G.400, housing and homelessness investments, by striking out subsection, (a) subdivision (3) in its entirety and inserting in lieu thereof a new subsection (a), subdivision (3) to read as follows:

(3) \$1,500,000 to the Agency of Commerce and Community Development.

(A) \$650,000 shall be used by the Agency to provide technical assistance to municipalities on accessory dwelling and small lot development as well as bylaw modernization consistent with specifications enacted in the 2021 legislative session. This allocation may include grants to Regional Planning Commissions

(B) \$850,000 shall be used provide grants of \$75,000 to each Regional Planning Commission for increased workload from the pandemic.

Twenty-Fourth: In Sec. G.501, state technology modernization investments; by striking out in subsection (a), subdivision (3) in its entirety and inserting in lieu thereof a new subsection (a), subdivision (3) to read as follows:

(3) \$500,000 to Natural Resources Board for Act 250 scanning project – digitize land use records.

Twenty-Fifth: In Sec. G.600, subsection (a) subdivision (2), after the last sentence by adding the words On or before January 31, 2022 and thereafter upon request from a legislative committee, the Vermont Housing Finance Agency shall issue a report to the General Assembly detailing the programs to which funds appropriated under this subdivision were provided. The report shall include the results of its investigations into on-bill to-the-meter billing and other methods to provide weatherization financing.

Twenty-Sixth: In Sec. G.600, by striking out subsection (a), subdivision (6), in its entirety and inserting in lieu thereof a new subsection (a), subdivision (6) the follow:

(6) \$1,500,000 to the Department for Children and Families to grant to the Community Action Agencies, to be used through December 31, 2024, to support at least five Financial and Clean Energy Coaches to assist Vermonters with low and moderate income in comprehensive financial coaching, including budgeting, debt reduction, credit building, and asset development, with an emphasis on reducing their reliance on carbon fuel-based technologies, and to support one statewide coordinator based at a Community Action Agency.

Twenty-seventh: By striking out Sec. H.100, effective dates, in its entirety and inserting in lieu thereof a new Sec. H.100 to read as follows:

(a) This section and Secs. B.1104 (fiscal year 2022 one-time transportation fund appropriations), C.100 through C.109 (fiscal year 2021 one-time appropriations, adjustment and amendments), E.234 (building efficiency goals), E.234.1 (Home Weatherization Assistance Program), E.234.2 (Public Utility Commission proceeding), E.234.3 (development of weatherization workforce and counseling services; reports), E.234.4 (Energy Saving Fund), F.112 (onetime salary payments authorized), G.300(a)(2) (workforce investments), G.400 (b)(1) (housing and homelessness related investments), and G.500 (a)(2)(E 911 funds) shall take effect upon passage.

(b) Sec. E.306.1 (Vermont Health Benefit Exchange) shall take effect on October 1, 2021.

(c) All remaining sections shall take effect on July 1, 2021.

Thereupon, on motion of Senator Balint the Senate recessed until 4:00 P.M.

Called to Order

The Senate was called to order by the President.

Consideration Resumed; Proposal of Amendment

H. 439.

Consideration was resumed on House bill entitled:

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

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as proposed by Senators Kitchel, Balint, Baruth, Nitka, Sears, Starr and Westman?, Senator Lyons moved to amend the proposal of amendment as follows:

By striking out the *fifteenth* instance of amendment in its entirety and inserting in lieu thereof a new *fifteenth* instance of amendment to read as follows:

Fifteenth: By inserting three new sections to be Secs. E.227.1–E.227.3 to read as follows:

Sec. E.227.1 18 V.S.A. § 9473 is amended to read:

§ 9473. PHARMACY BENEFIT MANAGERS; REQUIRED PRACTICES
WITH RESPECT TO PHARMACIES

* * *

(d) A pharmacy benefit manager shall not:

(1) require a claim for a drug to include a modifier to indicate that the drug is a 340B drug unless the claim is for payment, directly or indirectly, by Medicaid; or

(2) restrict access to a pharmacy network or adjust reimbursement rates based on a pharmacy's participation in a 340B contract pharmacy arrangement.

Sec. E.227.2 REPEAL

18 V.S.A. § 9473(d) (pharmacy benefit managers; 340B entities) is repealed on January 1, 2023.

Sec. E.227.3. DEPARTMENT OF FINANCIAL REGULATION; 340B
DRUG PRICING PROGRAM; REPORT

On or before January 15, 2022, the Department of Financial Regulation, in consultation with the Office of the Attorney General, shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance regarding national activity affecting participation in the 340B Drug Pricing Program, including:

(1) recent changes to the manner in which prescription drug manufacturers pay rebates to pharmacy benefit managers for prescriptions filled through 340B pharmacies;

(2) the potential impacts of these changes on Vermont stakeholders, including individual Vermonters; and

(3) possible State responses to prescription drug manufacturer and pharmacy benefit manager actions related to participation in the 340B Drug Pricing Program.

Which was agreed to.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as proposed by Senators Kitchel, Balint, Baruth, Nitka, Sears, Starr and Westman, as amended was decided in the affirmative.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 30, Nays 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

Rules Suspended; Bills Messaged

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

S 100, H. 171, H. 439.

Senate Concurrent Resolution

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

By Senators Kitchel, Lyons and Sears,

By Reps. Lippert and others,

S.C.R. 5.

Senate concurrent resolution designating May 2021 as Mental Health Awareness Month in Vermont.

House Concurrent Resolutions

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

By Reps. Yantachka and others,

By Senators Baruth, Chittenden, Lyons, Pearson, Ram and Sirotkin,

H.C.R. 52.

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks girls' cross-country team on winning a 12th consecutive Division 1 championship.

By Reps. Yantachka and others,

By Senators Baruth, Chittenden, Lyons, Pearson, Ram and Sirotkin,

H.C.R. 53.

House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks boys' golf team on winning its third consecutive Division I championship.

By Reps. Yantachka and others,

By Senators Baruth, Chittenden, Lyons, Pearson, Ram and Sirotkin,

H.C.R. 54.

House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks Division I boys' cross-country championship team.

By Rep. Killacky,

H.C.R. 55.

House concurrent resolution honoring the Cystic Fibrosis Lifestyle Foundation for its achievements on behalf of persons with cystic fibrosis.

By Reps. Webb and others,

By Senators Chittenden, Lyons, Pearson, Ram and Sirotkin,

H.C.R. 56.

House concurrent resolution honoring Elaine Pinckney for her illustrious career in public education.

By Reps. James and Bongartz,

By Senators Campion and Sears,

H.C.R. 57.

House concurrent resolution honoring former Arlington Selectboard Chair Keith Squires and former Arlington School Board Chair Donna Squires for their dedicated municipal civic service.