

Journal of the Senate

WEDNESDAY, MAY 3, 2023

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. 55

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

Mr. President:

I am directed to inform the Senate that:

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

H. 222. An act relating to reducing overdoses.

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

Bill Referred to Committee on Finance

H. 217.

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 workers' compensation amendments.

Bill Referred to Committee on Appropriations

H. 282.

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 Psychology Interjurisdictional Compact.

House Proposal of Amendment Concurred In with Further Proposal of Amendment

S. 48.

House proposal of amendment to Senate bill entitled:

An act relating to regulating the sale of catalytic converters.

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. 9 V.S.A. chapter 82 is amended to read:

CHAPTER 82. SCRAP METAL PROCESSORS

* * *

§ 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES, PROPRIETARY ARTICLES, AND RAILROAD SCRAP

(a) Catalytic converters.

(1) A scrap metal processor shall not purchase more than one used and detached catalytic converter per day from any person, other than a motor vehicle recycler or motor vehicle repair shop.

(2) A person, other than a motor vehicle recycler or motor vehicle repair shop, shall not transport simultaneously two or more used and detached catalytic converters unless:

(A) each catalytic converter is engraved or otherwise permanently marked with the vehicle identification number of the vehicle from which it was removed; and

(B) the person transporting the catalytic converter has in the person's possession documentation demonstrating proof of lawful ownership as specified in subdivision (b)(1) of this section.

(b) Documentation required for sale. A scrap metal processor may purchase nonferrous scrap, metal articles, proprietary articles, and railroad scrap only if the scrap metal processor complies with all the following procedures:

(1) At the time of sale, the processor:

(A) requires the seller to provide a current government-issued photographic identification that indicates the seller's full name, current address, and date of birth, and records in a permanent ledger the identification information of the seller, the time and date of the transaction, the license

number of the seller's vehicle, and a description of the items received from the seller; and

(B) requests and, ~~if available,~~ collects:

(i) ~~third-party~~ documentation ~~from the seller of the items offered for sale,~~ that establishes that the seller lawfully owns the items to be sold, such as a bill of sale, itemized receipt, or letter of authorization, signed by the person from whom the seller purchased the item; or ~~similar evidence~~

(ii) a written affidavit of ownership that establishes states that the seller lawfully owns the items to be sold.

(2) After purchasing an item from a person who ~~fails to~~ does not provide ~~documentation~~ a bill of sale, itemized receipt, or letter of authorization signed by the person from whom the seller purchased the item pursuant to subdivision (1)(B)(i) of this subsection, the processor:

(A) submits to the Department of Public Safety ~~no~~ not later than the close of the following business day a report that describes the item and the seller's identifying information required in subdivision (1)(A) of this subsection; and

(B) holds the item for at least 10 days following purchase.

(c) Retention of records. The information collected by a scrap metal processor pursuant to this section shall be retained for at least five years at the processor's normal place of business or other readily accessible and secure location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the scrap metal processor's business location during regular business hours.

§ 3023. PENALTIES

(a) A ~~scrap metal processor~~ person who violates any provision of this chapter for the first time may be assessed a civil penalty not to exceed \$1,000.00 for each transaction.

(b) A ~~scrap metal processor~~ person who violates any provision of this chapter for a second or subsequent time shall be fined not more than \$25,000.00 for each transaction.

Sec. 2. 24 V.S.A. § 2242 is amended to read:

§ 2242. REQUIREMENT FOR OPERATION OR MAINTENANCE

(a) A person shall not operate, establish, or maintain a salvage yard unless ~~he or she~~ the person:

(1) holds a certificate of approval for the location of the salvage yard; and

(2) holds a certificate of registration issued by the Secretary to operate, establish, or maintain a salvage yard.

(b) The issuance of a certificate of registration under subsection (a) of this section shall not relieve a salvage yard from the obligation to comply with existing State and federal environmental laws and to obtain all permits required under State or federal environmental law.

(c) The Secretary may require a person to obtain a salvage yard certificate of registration under this section upon a determination, based on available information, that the person has taken action to circumvent the requirements of this subchapter.

(d) Prior to issuing a certificate of registration, the Secretary shall obtain written acknowledgment that the person seeking the certificate is aware of, and will comply with, the requirements for buying, selling, transporting, and keeping records concerning nonferrous scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82.

Sec. 3. 24 V.S.A. § 2244 is added to read:

§ 2244. PERIODIC INSPECTIONS

(a) The Secretary shall conduct an unannounced inspection of the physical operation, record-keeping practices, and regulatory compliance practices of salvage yards to ensure compliance with applicable provisions of this subchapter.

(b) As part of the inspection program, the Secretary shall annually inspect at least one facility to ensure compliance with 9 V.S.A. chapter 82.

Sec. 4. ADOPTION OF FORMS; PUBLIC OUTREACH

(a) The Department of Public Safety shall adopt and make available on its public website sample forms for an affidavit or other proof of ownership, for collection and retention of records, and for other record-keeping purposes that persons may use to comply with the requirements for buying, selling, transporting, and keeping records concerning nonferrous scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82.

(b) The Department of Public Safety and the Agency of Natural Resources shall coordinate to design and implement a public outreach campaign to educate sellers of scrap metal and proprietary articles, including catalytic converters; scrap metal processors; and law enforcement on the requirements for buying, selling, transporting, and keeping records concerning nonferrous

scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82 and other relevant provisions of law.

Sec. 5. 20 V.S.A. § 2355 is amended to read:

§ 2355. COUNCIL POWERS AND DUTIES

* * *

(b)(1) The Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council shall offer courses of instruction for law enforcement officers in different areas of the State and shall strive to offer nonovernight courses whenever possible.

(2) The Council may also offer the basic officer's course for preservice students and educational outreach courses for the public, including firearms safety and use of force.

(3) Following the conclusion of each session of the General Assembly, the Council shall prepare and make available to law enforcement agencies throughout the State and constables exercising law enforcement authority pursuant to 24 V.S.A. § 1936 materials or training concerning new or amended State law that affects law enforcement activities, including changes to civil, criminal, and administrative violations, procedures, penalties, and enforcement.

* * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senators Chittenden, Ingalls, Kitchel, Mazza and Perchlik moved that the Senate concur in the House proposal of amendment with further proposal of amendment as follows:

By striking out Sec. 5 (Criminal Justice Council annual legislative materials) in its entirety and by renumbering Sec. 6 to be Sec. 5.

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

House Proposal of Amendment Concurred In**S. 73.**

House proposal of amendment to Senate bill entitled:

An act relating to workers' compensation coverage for firefighters with cancer.

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. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

~~Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows~~ As used in this chapter:

* * *

(11) "Personal injury by accident arising out of and in the course of employment" includes an injury caused by the willful act of a third person directed against an employee because of that employment.

* * *

(E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and (4), who dies or has a disability from a cancer listed in subdivision (iii) of this subdivision (E), the firefighter shall be presumed to have had the cancer as a result of exposure to conditions in the line of duty, unless it is shown by a preponderance of the evidence that the cancer was caused by nonservice-connected risk factors or nonservice-connected exposure, provided:

(i)(I) the firefighter completed an initial and any subsequent cancer screening evaluations as recommended by the American Cancer Society based on the age and sex of the firefighter prior to becoming a firefighter or ~~within two years of July 1, 2007~~ while serving as a firefighter, and the evaluation indicated no evidence of cancer;

(II) the firefighter was engaged in firefighting duties or other hazardous activities over a period of at least five years in Vermont prior to the diagnosis; and

(III) the firefighter is under 65 years of age.

(ii) The presumption shall not apply to any firefighter who has used tobacco products at any time within 10 years of the date of diagnosis.

(iii) The disabling cancer shall be limited to leukemia, lymphoma,

or multiple myeloma, and cancers originating in the bladder, brain, breast, colon, gastrointestinal tract, kidney, liver, lung, pancreas, reproductive system, skin, or testicles thyroid.

(F) A firefighter who is diagnosed with cancer within 10 years of the last active date of employment as a firefighter shall be eligible for benefits under this subdivision. The date of injury shall be the date of the last injurious exposure as a firefighter.

(G) It is recommended that fire departments:

(i) maintain incident report records for at least 10 years; and

(ii) offer or provide annual cancer screenings to all firefighters who are employed by or who volunteer for the department.

* * *

Sec. 2. ANNUAL CANCER SCREENINGS; PERSONAL PROTECTIVE EQUIPMENT UPGRADES; REPORT

(a) On or before January 15, 2024, the Director of the Division of Fire Safety shall submit a written report to the House Committees on Appropriations, on Commerce and Economic Development, and on Government Operations and Military Affairs and the Senate Committees on Appropriations; on Economic Development, Housing and General Affairs; and on Government Operations regarding the following topics:

(1) the projected cost for the State to fund annual or biennial cancer screenings for all career and volunteer firefighters in Vermont;

(2) the projected cost for the State to fund cancer screenings for all enrollees in the Vermont Fire Academy Firefighter I certification program prior to the commencement of training;

(3) potential opportunities for the State to reduce the cost for fire departments to provide annual cancer screenings for their firefighters;

(4) the projected cost for the State to fund the replacement of personal protective equipment for all volunteer and career firefighters on a rolling basis so that all personal protective equipment is replaced within 10 years after being acquired; and

(5) potential opportunities for the State to reduce the cost to fire departments for the replacement of personal protective equipment.

(b) The report may include recommendations for legislative action to facilitate:

(1) the early identification of cancer in firefighters;

(2) the acquisition of personal protective equipment by fire departments; and

(3) the elimination of PFAS and other carcinogens in firefighting equipment.

Sec. 3. WORKERS' COMPENSATION FOR FIREFIGHTERS WITH
CANCER; ELIGIBILITY; REPORT

(a) On or before January 15, 2024, the Commissioners of Labor and of Financial Regulation, in consultation with the Director of the Division of Fire Safety, shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the following topics:

(1) the potential impacts on workers' compensation claims, premiums, and loss costs of amending or repealing the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter:

(A) is over 65 years of age; or

(B) has used tobacco products within the last 10 years;

(2) the potential impacts on workers' compensation claims, premiums, and loss costs of amending 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter, including:

(A) additional types of cancer:

(i) that occur more frequently in firefighters than the general public;

(ii) that are caused by carcinogens to which firefighters are exposed in the line of duty; or

(iii) both; or

(B) all forms of cancer; and

(3) potential methods for apportioning liability for workers' compensation in instances where a firefighter has been employed by more than one fire department, including when a firefighter is employed as a career firefighter by one department and a volunteer firefighter by another department.

(b) The report may include recommendations for legislative action to:

(1) amend or repeal the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from

work-related exposure if the firefighter is over 65 years of age or has used tobacco products within the last 10 years; and

(2) amend 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter to include either:

(A) additional types of cancer:

(i) that occur more frequently in firefighters than the general public;

(ii) that are caused by carcinogens to which firefighters are exposed in the line of duty; or

(iii) both; or

(B) all forms of cancer.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

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

Third Readings Ordered

H. 161.

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

An act relating to issuance of burning permits.

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. 495.

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

An act relating to the approval of the amendment to the charter of the Town of Middlebury.

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. 94.**

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

An act relating to removing the Reach Up ratable reduction.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, report; Reach Up; ratable reduction, in the first sentence, by striking out the word “January” and inserting in lieu thereof the word March

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

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

Proposals of Amendment; Third Reading Ordered**H. 127.**

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

An act relating to sports wagering.

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

First: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1302 (Department of Liquor and Lottery; authority and duties), in subdivision (c)(5), by striking out the last sentence.

Second: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1302 (Department of Liquor and Lottery; authority and duties), in subsection (g), by striking out subdivisions (1) through (3) in their entirety and inserting in lieu thereof new subdivisions (1) and (2) to read as follows:

(1) a provision that prohibits the use of sports wagering advertisements, logos, trademarks, or brands on products that are sold in Vermont and intended primarily for persons under 21 years of age; and

(2) an advertising plan, which shall include strategies to limit unwanted advertising and advertising aimed at persons under 21 years of age.

Third: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1320 (sports wagering operators; competitive bidding process), in subsection (c), by

striking out subdivisions (2) through (6) in their entirety and inserting in lieu thereof new subdivisions (2) through (6) to read as follows:

(2) For two operators, \$412,500.00 per operator.

(3) For three operators, \$366,666.00 per operator.

(4) For four operators, \$343,750.00 per operator.

(5) For five operators, \$330,000.00 per operator.

(6) For six operators, \$320,833.00 per operator.

Fourth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1341a (Problem Gambling Program), in subsection (a), by striking out subdivisions (2) through (5) in their entirety and inserting in lieu thereof new subdivisions (2) and (3) to read as follows:

(2) promote public awareness of and provide education concerning gambling addiction using online capabilities and other best practices; and

(3) promote public awareness of assistance programs for gambling addiction using online capabilities and other best practices.

Fifth: In Sec. 2a, appropriations, by adding a subsection (c) to read as follows:

(c) In each fiscal year after fiscal year 2025, a sum equal to five percent of the annual sports wagering revenue received by the Department of Liquor and Lottery shall be appropriated from the Sports Wagering Fund to the Department of Mental Health for purposes of the Problem Gambling Program.

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

Senator Chittenden, for the Committee on Finance, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as follows:

First: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1304, in the section heading, following the words “SPORTS WAGERING”, by inserting the word ENTERPRISE before “FUND”, and in the text of the section, following the words “Sports Wagering”, by inserting the word Enterprise before “Fund”.

Second: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1341, in the section heading, following the words “SPORTS WAGERING”, by inserting the word ENTERPRISE before “FUND”, and in subsection (a), following the words “Sports Wagering” by inserting the word Enterprise before “Fund”.

Third: In Sec. 2a, appropriations, in both subsection (a) and subsection (b), following the words “Sports Wagering” by inserting the word Enterprise before “Fund” in both instances.

Fourth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1320 (sports wagering operators; competitive bidding process), by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Each operator selected through the competitive bidding process shall pay an operator fee of \$550,000.00. The Commissioner and an operator may negotiate the renewal term upon which the fee will be reassessed. However, the Department shall not require an operator to pay the fee more than once in any three-year period.

Fifth: By adding a new Sec. 3 to read as follows:

Sec. 3. 32 V.S.A. § 5823 is amended to read:

§ 5823. VERMONT INCOME OF INDIVIDUALS, ESTATES, AND TRUSTS

* * *

(b) For any taxable year, the Vermont income of a nonresident individual, estate, or trust is the sum of the following items of income to the extent they are required to be included in the adjusted gross income of the individual or the gross income of an estate or trust for that taxable year:

* * *

(6) proceeds from wagering transactions made within the State; or any Vermont State Lottery, tri-state lottery, or multijurisdictional lottery ticket paid to a person who purchased the ticket in Vermont, including payments received from a third party for the transfer of the rights to future proceeds related to the ticket; and the Commissioner may require withholding of any taxes due to the State under this subdivision from payments of wagering or lottery proceeds.

* * *

And by renumbering the remaining sections to be numerically correct.

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

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill as recommended by the Committee on Economic Development, Housing and General Affairs with the following amendment thereto:

By striking out the *fifth* proposal of amendment in its entirety and inserting in lieu thereof a new *fifth* proposal of amendment to read as follows:

Fifth: In Sec. 2a, appropriations, by striking out subsections (a) and (b) in their entireties and inserting in lieu thereof the following:

(a) In fiscal year 2024, the following sums are appropriated from the Sports Wagering Fund:

(1) \$250,000.00 to the Department of Mental Health for purposes of establishing and administering the Problem Gambling Program;

(2) \$550,000.00 to the Department of Liquor and Lottery in anticipation of receipts from sports wagering operator fees; and

(3) \$100,000.00 to the Agency of Digital Services for purposes of establishing the self-exclusion program required by this act.

(b) The appropriation to the Problem Gambling Program in subsection (a) of this section shall be combined with the fiscal year 2024 funding from the State Lottery Fund for the same purpose. Any contract scope of work, memorandum of understanding parameters, or program design shall be executed in consultation with the Chief Prevention Officer.

(1) On or before January 15, 2024, the Department of Mental Health, Department of Liquor and Lottery, and Chief Prevention Officer shall report to the General Assembly on the status of the Problem Gambling Program, Program funding, and the projected use of the Program. The report shall detail how the Program funding aligns with other similar programs.

(2) The report required by this subsection shall include recommendations for allocations for problem gambling programs:

(A) for fiscal year 2025, in the form of a specific appropriation from each enterprise fund; and

(B) for fiscal year 2026 and after, in the form of a recommended minimum appropriation or percentage of revenue allocation from each enterprise fund.

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

Thereupon, the bill was read a second time by title only pursuant to Rule 43, and the recommendation of proposal of amendment of the Committee on Economic Development, Housing and General Affairs was amended as recommended by the Committee on Appropriations.

Thereupon, the recommendation of proposal of amendment of the Committee on Economic Development, Housing and General Affairs, as amended, was agreed to.

Thereupon, the recommendation of the proposal of amendment of the Committee on Finance, was agreed to.

Thereupon, Senators Sears, Baruth, Harrison, Norris and Vyhovsky moved to amend the proposal of amendment as follows:

First: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1325 (crimes and penalties), by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) A corporation, association, or partnership that is not permitted to conduct sports wagering pursuant to this chapter that operates, conducts, or exposes sports wagering for play or accepts a bet or wager associated with sports wagering shall:

(1) for a first violation of this subsection, be fined not more than \$50,000.00 or imprisoned not more than six months, or both;

(2) for a second violation of this subsection, be fined not more than \$150,000.00 or imprisoned not more than one year, or both; and

(3) for a third or subsequent violation of this subsection, be fined not more than \$300,000.00 or imprisoned not more than two years, or both.

Second: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1320 (sports wagering operators; competitive bidding process), by adding new subsections (e) and (f) to read as follows:

(e) The Board shall adopt procedures governing the review and consideration of criminal background checks as a component of the competitive bidding process. The procedures shall establish standards for determining whether an applicant should not be selected as an operator due to the criminal history of the applicant's principals or other individuals who control the operator applicant. The Department shall obtain a copy of fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation for each operator applicant, principal of an operator applicant, and any individual who controls an operator applicant.

(f) Notwithstanding subsection (e) of this section, the Department may accept third-party criminal background checks submitted by an operator applicant, principal of an operator applicant, or any individual who controls an operator applicant in lieu of obtaining those records from the Vermont Crime Information Center. The third-party background check shall:

(1) be conducted by a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act; and

(2) include a multistate and multijurisdiction criminal record locator.

Third: By adding a new Sec. 3 to read as follows:

Sec. 3. 31 V.S.A. § 655 is amended to read:

§ 655. DUTIES OF THE COMMISSIONER

* * *

(b) The Commissioner shall:

* * *

(7) Subject to the approval of the Board, establish a user agreement with the Vermont Crime Information Center in accordance with 20 V.S.A. chapter 117 for the purpose of obtaining Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation to review applications of any sports wagering operator or for any Lottery sales agent license issued under this title and by renumbering the remaining sections to be numerically correct.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered

H. 481.

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

An act relating to public health initiatives to address death by suicide.

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

First: In Sec. 1, 18 V.S.A. chapter 192, in section 8151, by striking out the last sentence and inserting in lieu thereof the following:

The Director shall:

(1) expand partnerships, including with service members, veterans, and their families;

(2) implement innovative data-driven initiatives;

(3) coordinate suicide prevention programs across the State; and

(4) work to secure federal funding.

Second: In Sec. 2, statewide suicide prevention; strategic plan and school protocol, in subdivision (a)(1), after the second sentence, by inserting the following sentence: The plan shall consider emerging research on factors contributing to suicide.

Third: In Sec. 2, statewide suicide prevention; strategic plan and school protocol, in subdivision (a)(1), in the last sentence, after “schools,” by inserting the phrase afterschool programs,

Fourth: In Sec. 2, statewide suicide prevention; strategic plan and school protocol, in subsection (b), by inserting a second sentence to read as follows: The model protocol shall:

(1) reflect preliminary data related to grants to expand mental health and well-being services to youth pursuant to 2022 Acts and Resolves No. 112, Sec. 3; and

(2) ensure that school employees receive education pertaining to the prevention of, use of language regarding, and identification of eating disorders in youth.

Fifth: By inserting a new Sec. 3 after Sec. 2 to read as follows:

Sec. 3. SUICIDE PREVENTION; HEALTH CARE FACILITIES; MODEL
PROTOCOL

On or before July 1, 2024, the Director of Suicide Prevention, in collaboration with the Agency of Human Services, medical and professional boards, and stakeholders, shall develop and submit a model protocol to the House Committee on Health Care and to the Senate Committee on Health and Welfare for health care facilities regarding suicide prevention and postvention services. This model protocol shall consider the recommendations of the report required pursuant to 2022 Acts and Resolves No. 115, Sec. 13.

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, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered**H. 482.**

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

An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training.

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:

* * * Fair and Impartial Policing Training; Advanced Roadside Impaired Driving Enforcement Training * * *

Sec. 1. PURPOSE

The purpose of this act is, in part, to amend the laws of Vermont regarding law enforcement officer training to emphasize achieving increased competency over prescribed minimum hours of training in fair and impartial policing. The change to a focus on skills and competency is meant to align with the goals of increasing transparency and accountability to historically stigmatized communities.

Sec. 2. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

* * *

(e)(1) The criteria for all minimum training standards under this section shall include anti-bias training approved by the Vermont Criminal Justice Council and training on the State, county, or municipal law enforcement agency's fair and impartial policing policy, adopted pursuant to subsection 2366(a) of this title.

~~(2) On or before December 31, 2018, law enforcement officers shall receive a minimum of four hours of training as required by this subsection. [Repealed.]~~

(3) In order to remain certified, law enforcement officers shall receive a refresher course on the training required by this subsection during every odd-numbered year in a program approved by the Vermont Criminal Justice Council designed to demonstrate achieved law enforcement officer competency in fair and impartial policing.

* * *

~~(f) The criteria for all minimum training standards under this section shall~~

~~include Advanced Roadside Impaired Driving Enforcement training as approved by the Vermont Criminal Justice Council. On or before December 31, 2021, law enforcement officers shall receive a minimum of 16 hours of training as required by this subsection. [Repealed.]~~

* * *

Sec. 3. FAIR AND IMPARTIAL POLICING TRAINING; REPORT

On or before January 15, 2024, the Vermont Criminal Justice Council shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on its efforts to update and implement fair and impartial policing training and whether the integrity of training standards has been maintained in the transition from using improved competency rather than fixed hours of training as a measure of completed training. The report shall describe how competency is being measured in fair and impartial policing and include precise metrics.

Sec. 4. 20 V.S.A. § 2355 is amended to read:

§ 2355. COUNCIL POWERS AND DUTIES

(a) The Council shall adopt rules with respect to:

* * *

(13) Advanced Roadside Impaired Driving Enforcement training programs and requirements for Levels I, II, and III law enforcement certification, including minimum hours of training, prerequisites, and time periods for completion.

* * *

* * * Roadside Stop Data Collection * * *

Sec. 5. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL POLICING POLICY; RACE DATA COLLECTION

* * *

~~(e)(1) On or before September 1, 2014, every~~ Every State, county, and municipal law enforcement agency shall collect roadside stop data consisting of the following:

- (A) the age, gender, and race of the driver;
- (B) the grounds for the stop;
- (C) the grounds for the search and the type of search conducted, if

any;

(D) the evidence located, if any;

(E) the date, time, and location of the stop; and

(F) the outcome of the stop, including whether physical force was employed or threatened during the stop, and, if so, the type of force employed and whether the force resulted in bodily injury or death, and whether:

* * *

* * * Duty to Contact Current or Former Agencies When Hiring Law
Enforcement Officer * * *

Sec. 6. 20 V.S.A. § 2362a is amended to read:

§ 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT
CURRENT OR FORMER AGENCY AGENCIES

(a)(1) Prior to hiring a law enforcement officer, the executive officer of a potential hiring law enforcement agency shall:

(A) require that officer to execute a written waiver that explicitly authorizes ~~the officer's~~:

(i) the officer's current law enforcement agency employer to disclose its analysis of the officer's performance at that agency, if the officer is still employed at that agency; or

(ii) last any previous law enforcement agency ~~employer~~ employers to disclose their analysis of the officer's performance at that agency and the reason that officer is no longer employed by that agency, if regardless of whether or not the officer is not currently employed at an agency; and

(B) ~~contact that agency~~ all known previous law enforcement agencies to obtain ~~that disclosure~~ the disclosures described in subdivisions (A)(i) and (ii) of this subdivision (1) and provide to that the previous law enforcement agency a copy of that the officer's written waiver.

(2) An officer who refuses to execute the written waiver shall not be hired by the potential hiring agency.

* * *

* * * Rule Adoption Deadline Modification * * *

Sec. 7. REPEAL

2020 Acts and Resolves No. 166, Sec. 8(b) (Rules) is repealed.

Sec. 8. RULE ADOPTION DEADLINE

On or before July 1, 2025, the Vermont Criminal Justice Council shall adopt

the rules regarding alternate routes to the certification required by 20 V.S.A. § 2355(a)(1).

* * * Effective Date * * *

Sec. 9. 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.

Bill Ordered to Lie

H. 227.

Senate bill entitled:

An act relating to the Vermont Uniform Power of Attorney Act.

Was taken up.

Thereupon, pending the report on the Committee on Judiciary, on motion of Senator Sears, the bill was ordered to lie.

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:

Mr. President:

I am directed to inform the Senate that:

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

H. 479. An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

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

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

Rep. Coffey of Guilford
Rep. Corcoran of Bennington
Rep. Burke of Brattleboro.

The Governor has informed the House that on May 2, 2023, he approved and signed a bill originating in the House of the following title:

H. 190. An act relating to removing the residency requirement from Vermont's patient choice at end of life laws.

Adjournment

On motion of Senator Baruth, the Senate adjourned until ten o'clock in the morning on Thursday, May 4, 2023.