

Senate Calendar

FRIDAY, APRIL 14, 2023

SENATE CONVENES AT: 11:30 A.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

NEW BUSINESS

Third Reading

- S. 39** An act relating to compensation and benefits for members of the Vermont General Assembly..... 1369
- H. 35** An act relating to the Victims Assistance Program..... 1369
- H. 41** An act relating to referral of domestic and sexual violence cases to community justice centers..... 1369
- H. 53** An act relating to driver’s license suspensions..... 1369

NOTICE CALENDAR

Committee Bill for Second Reading

- S. 146** An act relating to the permitting of indirect discharges..... 1369
By the Committee on Natural Resources and Energy
(Sen. Bray for the Committee)

Second Reading

Favorable

- H. 190** An act relating to removing the residency requirement from Vermont’s patient choice at end of life laws
Health and Welfare Report - Sen. Lyons 1369
- H. 271** An act relating to approval of amendments to the charter of the Town of Springfield
Government Operations Report - Sen. Clarkson 1370

Favorable with Proposal of Amendment

- H. 89** An act relating to civil and criminal procedures concerning legally protected health care activity
Judiciary Report - Sen. Hashim 1370

CONCURRENT RESOLUTIONS FOR ACTION

H.C.R. 87 - 91 (For text of Resolutions, see Addendum to House Calendar for April 13, 2023) [1372](#)

ORDERS OF THE DAY

ACTION CALENDAR

NEW BUSINESS

Third Reading

S. 39.

An act relating to compensation and benefits for members of the Vermont General Assembly.

H. 35.

An act relating to the Victims Assistance Program.

H. 41.

An act relating to referral of domestic and sexual violence cases to community justice centers.

H. 53.

An act relating to driver's license suspensions.

NOTICE CALENDAR

Committee Bill for Second Reading

S. 146.

An act relating to the permitting of indirect discharges.

By the Committee on Natural Resources and Energy. (Senator Bray for the Committee.)

Second Reading

Favorable

H. 190.

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

Reported favorably by Senator Lyons for the Committee on Health and Welfare.

(Committee vote: 4-1-0)

H. 271.

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

Reported favorably by Senator Clarkson for the Committee on Government Operations.

(Committee vote: 6-0-0)

Favorable with Proposal of Amendment

H. 89.

An act relating to civil and criminal procedures concerning legally protected health care activity.

Reported favorably with recommendation of proposal of amendment by Senator Hashim for the Committee on Judiciary.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 1 V.S.A. § 150, by striking out subsections (a)–(c) in their entirety and inserting in lieu thereof new subsections (a)–(c) to read as follows:

(a) “Gender-affirming health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to the treatment of gender dysphoria and gender incongruence. “Gender-affirming health care services” does not include conversion therapy as defined by 18 V.S.A. § 8351.

(b)(1) “Legally protected health care activity” means:

(A) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services secured by this State;

(B) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by this State, provided that the provision of such a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location; or

(C) the provision, issuance, or use of, or enrollment in, insurance or other health coverage for reproductive health care services or gender-affirming health care services that are legal in this State, or any act to aid or encourage, or attempt to aid or encourage, any person in the provision, issuance, or use of, or enrollment in, insurance or other health coverage for those services, regardless of the location of the insured or individual seeking insurance or health coverage, if the insurance or health coverage is permitted under the laws of this State.

(2) Except as provided in subdivision (3) of this subsection, the protections applicable to “legally protected health care activity” shall not apply to a lawsuit; judgment; or civil, criminal, or administrative action that is based on conduct for which an action would exist under the laws of this State if the course of conduct that forms the basis for liability had occurred entirely in this State.

(3) Notwithstanding subdivision (2) of this subsection, the provision of a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location or whether the health care provider is licensed in the state where the patient is located at the time the service is rendered.

(c) “Reproductive health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to pregnancy, contraception, assisted reproduction, pregnancy loss management, or the termination of a pregnancy.

Second: By striking out Sec. 9, effective dates, and its reader assistance heading in their entireties and inserting in lieu thereof the following:

* * * Effective Dates * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-1-0)

(For House amendments, see House Journal for February 9, 2023, page 148.)

CONCURRENT RESOLUTIONS FOR ACTION

Concurrent Resolutions For Action Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session. Requests for floor consideration should be communicated to the Secretary's Office.

H.C.R. 87 - 91 (For text of Resolutions, see Addendum to House Calendar for April 13, 2023)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Kristin L. Clouser of Jericho – Secretary, Agency of Administration – By Senator Hardy for the Committee on Government Operations (4/6/23)

John Arrison of Ascutney – Member, Connecticut River Valley Flood Control Commission – By Senator White for the Committee on Natural Resources and Energy (4/11/23)

Harold Howrigan of Sheldon – Member, Current Use Advisory Board – By Senator White for the Committee on Natural Resources and Energy (4/11/23)

Steve Larrabee of West Danville – Member, Natural Resources Board – By Senator McCormack for the Committee on Natural Resources and Energy (4/11/23)

Julie Wolcott of Enosburg – Alternate, Natural Resources Board – By Senator McCormack for the Committee on Natural Resources and Energy (4/11/23)

Walter Hastings of South Royalton – Member, Current Use Advisory Board – By Senator McCormack for the Committee on Natural Resources and Energy (4/11/23)

Michael A. Harrington of Northfield – Commissioner, Department of Labor – By Senator Clarkson for the Committee on Economic Development, Housing and General Affairs (4/18/23)

JFO NOTICE

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3):

JFO #3146: \$737,685.00 to the Vermont Department of Corrections from the U.S. Department of Justice. This grant was awarded to Vermont State Colleges who will sub-grant to the VT Department of Corrections. This grant includes two (2) limited-service positions, Post-Secondary Program Coordinators, to engage Vermont's correctional facility staff in post-secondary educational opportunities and improved employment opportunities, both within and without the Department and State government. Positions are fully funded through 8/31/2025 with a potential one-year extension.

[Received April 3, 2023]

JFO #3145: \$250,000.00 to the Vermont Agency of Human Services Department of Mental Health from the National Association of State Mental Health Program Directors. Funds will support direct services to be provided to the public through the Crisis Assistance Helping Out on the Street (CAHOOTS) program. The VT Department of Health will collaborate with the City of Burlington, Burlington Police Department and local area health providers to support this pilot. The goal is to establish a trauma-informed approach that will only utilize system components that are necessary for individual situations.

[Received April 3, 2023]

JFO #3144: \$173,973.00 to the Vermont Attorney General's Office from the Vermont Network Against Domestic and Sexual Violence. The Firearm Technical Assistant Project serves to improve Vermont's statewide responses to the intersection of firearms and domestic violence. The Attorney General's office will lead the management team and provide project oversight including communication with the project partners: Vermont Network, Defender General's Office, Vermont State Police, Vermont Judiciary, Disability Rights Vermont, AALV-VT and the Abenaki Nation.

[Received April 3, 2023]

JFO #3143: \$514,694.00 to the Agency of Human Services, Department of Vermont Health Access from the DHHS/ONC via Passthrough from the Association of State and Territorial Health Officials. Funds will be used to support Vermont's participation in the COVID-19 Immunization Data

Exchange, Advancement and Sharing learning community with the aim of advancing immunization information and health information exchange sharing.

[Received March 23, 2023]

JFO #3142: \$15,000.00 to Agency of Natural Resources, Department of Environmental Conservation from the Maine Geological Society. Funds will be used to identify contradictions in mapped geological formations across state lines in New England.

[Received March 23, 2023]

JFO #3141: Donation of Alexander Twilight portrait, commissioned from artist Katie Runde to the Vermont State Curator's Office from the Friends of the Vermont State House. The donation is valued at \$32,923.27. Twilight was the first person of African descent to be elected to a state legislature and served one term in Vermont. The portrait is currently displayed in the main lobby of the Vermont State House.

[Received March 23, 2023]

JFO #3140: \$241,208.00 to Building and General Services, Vermont State Curator's Office from the Institute of Museum and Library Services. The FY2020 Save America's Treasures grant will restore and conserve Sculpture on the Highway, an outdoor collection of sixteen monumental marble and concrete sculptures created at two international sculpture symposia held in Vermont during the summers of 1968 and 1971.

[Received March 23, 2023]

JFO #3139: \$644,469.00 to the Vermont Judiciary, Court Administrator's Office from the U.S. Department of Justice. The grant will support the VT Judiciary Commission on Mental Health, established in July 2022. The Commission is focused on addressing the needs of court-involved individuals with behavioral health issues. Funds will help develop training activities and materials for VT Judiciary staff.

[Received March 22, 2023]