

Journal of the Senate

WEDNESDAY, MARCH 22, 2023

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.

Message from the House No. 31

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 62. An act relating to the interstate Counseling Compact.

H. 77. An act relating to Vermont's adoption of the Physical Therapy Licensure Compact.

H. 86. An act relating to Vermont's adoption of the Audiology and Speech-Language Pathology Interstate Compact.

H. 465. An act relating to regional emergency management committees' meeting quorum requirement.

H. 466. An act relating to technical corrections for the 2023 legislative session.

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

The Governor has informed the House that on March 20, 2023, he approved and signed a bill originating in the House of the following title:

H. 46. An act relating to approval of the dissolution of Colchester Fire District No. 3.

The Governor has informed the House that on March 20, 2023, he did not approve and allowed to become law without his signature a bill originating in the House of the following title:

H. 145 An act relating to fiscal year 2023 budget adjustments

Text of Communication from Governor

The text of the communication to the Senate from His Excellency, the Governor, setting forth his reasons for refusing to sign and *allowing to become law without his signature*, **House Bill No. 145**, is as follows:

“March 20, 2023

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

Re: H.145, AN ACT RELATING TO FISCAL YEAR 2023 BUDGET
ADJUSTMENTS

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, H.145, *An act relating to fiscal year 2023 budget adjustments*, will become law without my signature for the reasons stated herein.

While I appreciate the General Assembly including nearly all the initiatives I asked for in budget adjustment, including additional housing, healthcare stabilization, home heating assistance, and more, I’m deeply concerned with the Legislature’s changes that overspent my proposal by over \$50 million.

As I have previously shared in letters to Committee Chairs and in testimony given by my Administration, this will leave us with significantly less to put towards critical investments in the FY24 budget.

While some of the Legislature’s additional spending may be worthy of consideration, there was no opportunity to weigh their merit against all other investments in the FY24 budget. Spending this much money so early in the session, without looking at everything in the aggregate means we can’t be sure we’re getting the most out of the historic one-time opportunity for Vermonters.

It’s imperative the Legislature invest revenue surplus with more discipline and clarity. Failing to do so will squander the historic and transformative opportunity we find ourselves in.

Unfortunately, the Legislature’s changes to the budget adjustment suggests a willingness to fall back into a spending, instead of investing, strategy, and I firmly believe we must not allow this to happen in the FY24 budget.

Instead, I ask we take a well-coordinated and strategic approach, in line with what I’ve recommended, to fund all the tangible and transformative

community infrastructure projects, affordability and workforce initiatives and more, to get real and lasting results for every county and every community.

Sincerely,

/s/Philip B. Scott
Governor”

**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:

Delneo, Cathy of Montpelier - State Librarian, Department of Libraries - from March 23, 2022 for an indefinite term.

To the Committee on Education.

Farrell, Alex of South Burlington - Commissioner, Vermont State Housing Authority - from March 1, 2023 to February 29, 2028.

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

Richardson, Cory B. of Waterbury - Commissioner, Vermont State Housing Authority - from March 1, 2023 to February 29, 2028.

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

Winters, Christopher of Berlin - Commissioner, Department for Children and Families - from March 1, 2023 to February 28, 2025.

To the Committee on Health and Welfare.

Cioffi, Frank of St. Albans - Trustee of the University of VT and Agricultural College Board of Trustees - from March 1, 2023 to February 28, 2029.

To the Committee on Education.

Thomas, Brian of Shrewsbury - Member of the Plumbers' Examining Board - from March 1, 2023 to February 28, 2026.

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

Bill Referred to Committee on Finance**S. 139.**

Senate 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 modernization of public safety communications in Vermont.

Bill Referred to Committee on Appropriations**S. 137.**

Senate 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 energy efficiency modernization.

Bills Referred

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

H. 62.

An act relating to the interstate Counseling Compact.

To the Committee on Health and Welfare.

H. 77.

An act relating to Vermont's adoption of the Physical Therapy Licensure Compact.

To the Committee on Health and Welfare.

H. 86.

An act relating to Vermont's adoption of the Audiology and Speech-Language Pathology Interstate Compact.

To the Committee on Health and Welfare.

H. 465.

An act relating to regional emergency management committees' meeting quorum requirement.

To the Committee on Government Operations.

H. 466.

An act relating to technical corrections for the 2023 legislative session.

To the Committee on Government Operations.

Consideration Postponed**S. 60.**

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

An act relating to local option taxes.

Reported recommending that the Senate amend the bill as follows:

By striking out Sec. 2 (confidentiality of tax records) in its entirety and inserting in lieu thereof new Secs. 2 and 3 to read as follows:

Sec. 2. CHARTER ADOPTION APPROVAL

(a) The General Assembly approves the adoption of the charter of the Town of South Hero as set forth in this act.

(b) The General Assembly approves the local option tax proposed by the Town and authorizes the assessment of that tax as approved by the voters. On March 1, 2022, the voters of the Town of South Hero approved the adoption of a local option tax. The question on the ballot was: "Shall the Town of South Hero assess a one percent (1%) tax on meals and alcoholic beverages pursuant to Vermont Statute 24 V.S.A. § 138(b)? Such revenues will be expended for municipal recreation and park facilities and Town structures per 24 V.S.A. § 138(d)(1)."

Sec. 3. 24 App. V.S.A. chapter 148 is added to read:

CHAPTER 148. TOWN OF SOUTH HERO**§ 1. LOCAL OPTION TAX**

Notwithstanding the requirements of 1 V.S.A. § 138(a), the Town of South Hero is authorized to adopt a local option tax pursuant to 24 V.S.A. § 138.

And by renumbering the remaining section to be numerically correct.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be amended as recommended by the Committee on Finance?, Senator Hardy moved that consideration be postponed until Wednesday, March 29, 2023.

Which was agreed to.

Bills Passed

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

S. 35. An act relating to the Town of Hartford's tax increment financing district.

S. 36. An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities.

Bill Amended; Third Reading Ordered**S. 47.**

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

An act relating to the transport of individuals requiring psychiatric care.

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

Sec. 1. 18 V.S.A. § 7505 is amended to read:

§ 7505. WARRANT AND CERTIFICATE FOR EMERGENCY
EXAMINATION

(a) In emergency circumstances where certification by a licensed physician is not available without serious and unreasonable delay, and when personal observation of the conduct of a person constitutes reasonable grounds to believe that the person is a person in need of treatment, and ~~he or she~~ the person presents an immediate risk of serious injury to ~~himself or herself~~ self or others if not restrained, a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any Superior judge for a warrant for an emergency examination.

(b) ~~The law enforcement officer or mental health professional may take the person into temporary custody. The law enforcement officer, or a mental health professional if clinically appropriate, may transport the person to a hospital, police barracks, or another safe location in accordance with section 7511 of this title. The law enforcement officer or mental health professional shall apply to the court without delay for the warrant while the person is in temporary custody.~~

(c) If the judge is satisfied that a physician's certificate is not available without serious and unreasonable delay, and that probable cause exists to believe that the person is in need of an emergency examination, ~~he or she~~ the

judge may order the person to submit to an evaluation by a licensed physician for that purpose.

(d) If necessary, the court may order the law enforcement officer ~~or mental health professional~~ to transport the person, in accordance with section 7511 of this title, to a hospital for an evaluation by a licensed physician to determine if the person should be certified for an emergency examination.

(e) A person transported pursuant to subsection (d) of this section shall be evaluated as soon as possible after arrival at the hospital. If after evaluation the licensed physician determines that the person is a person in need of treatment, ~~he or she~~ the licensed physician shall issue an initial certificate that sets forth the facts and circumstances constituting the need for an emergency examination and showing that the person is a person in need of treatment. Once the licensed physician has issued the initial certificate, the person shall be held for an emergency examination in accordance with section 7508 of this title. If the licensed physician does not certify that the person is a person in need of treatment, ~~he or she~~ the licensed physician shall immediately discharge the person and cause ~~him or her~~ the person to be returned to the place from which ~~he or she~~ the person was taken, or to such place as the person reasonably directs.

Sec. 2. 18 V.S.A. § 7511 is amended to read:

§ 7511. TRANSPORTATION

(a) The Commissioner shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a person subject to this chapter to and from any emergency department or inpatient setting, ~~including escorts within a designated hospital or the Vermont State Hospital or its successor in interest or otherwise being transported under the jurisdiction of the Commissioner in any manner which that:~~

- (1) prevents physical and psychological trauma;
- (2) respects the privacy of the individual; and
- (3) represents the least restrictive means necessary for the safety of the patient.

(b) The Commissioner shall have the authority to designate the professionals or law enforcement officers who may authorize the method of transport of patients under the Commissioner's care and custody.

(c) When a professional or law enforcement officer designated pursuant to subsection (b) of this section decides an individual is in need of secure transport with mechanical restraints, the reasons for such determination shall be documented in writing.

(d) It is the policy of the State of Vermont that mechanical restraints are not routinely used on persons subject to this chapter unless circumstances dictate that such methods are necessary. A law enforcement vehicle shall have soft restraints available for use as a first option, and mechanical restraints shall not be used as a substitute for soft restraints if the soft restraints are otherwise deemed adequate for safety.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

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

Bill Amended; Third Reading Ordered

S. 73.

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

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

Reported recommending that the bill be amended 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, 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. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

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

Bill Amended; Third Reading Ordered

S. 103.

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

An act relating to amending the prohibitions against discrimination.

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

Sec. 1. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

(a) It shall be unlawful employment practice, except where a bona fide occupational qualification requires persons of a particular race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth,

age, crime victim status, or physical or mental condition:

(1) For any employer, employment agency, or labor organization to harass or discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

* * *

(3) For any employment agency to fail or refuse to classify properly or refer for employment or to otherwise harass or discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

(4) For any labor organization, to limit, segregate, or qualify its membership with respect to any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age to discriminate against any individual or against a qualified individual with a disability or to limit, segregate, or qualify its membership; or against a qualified individual with a disability.

* * *

(7) For any employer, employment agency, labor organization, or person seeking employees to discriminate between employees on the basis of sex, race, or national origin or against a qualified individual with a disability by paying wages to employees of one sex, race, or national origin or an employee who is a qualified individual with a disability at a rate less than the rate paid to employees of the other sex or a different race or national origin or without the physical or mental condition of the qualified individual with a disability for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions. An employer who is paying wages in violation of this section shall not reduce the wage rate of any other employee in order to comply with this subsection.

(A) An employer may pay different wage rates under this subsection when the differential wages are made pursuant to:

* * *

(iv) A bona fide factor other than sex, race, national origin, or physical or mental condition. An employer asserting that differential wages are paid pursuant to this subdivision (7)(A)(iv) shall demonstrate that the factor does not perpetuate a sex-based differential in compensation, based on sex, race, national origin, or physical or mental condition; is job-related with respect to the position in question; and is based upon a legitimate business

consideration.

* * *

(C) Nothing in this section shall be construed to diminish an employee's right to privacy regarding a disability or physical or mental condition under any other law, or pursuant to an applicable contract or collective bargaining agreement.

~~(8) Retaliation prohibited.~~ An employer, employment agency, or labor organization shall not discharge or in any other manner discriminate against any employee because the employee:

* * *

(i) An agreement to settle a claim of a violation of subsection (a) of this section shall not prohibit, prevent, or otherwise restrict the employee from working for the employer or any parent company, subsidiary, division, or affiliate of the employer. Any provision of an agreement to settle a claim of a violation of subsection (a) of this section that violates this subsection shall be void and unenforceable with respect to the individual who made the claim.

(j) Except for claims alleging a violation of subdivision (a)(7) of this section, an employee shall not be required to demonstrate the existence of another employee or individual to whom the employee's treatment can be compared to establish a violation of this section.

(k) Notwithstanding any State or federal judicial precedent to the contrary:

(1) harassment and discrimination need not be severe or pervasive to constitute a violation of this section; and

(2) behavior that a reasonable employee with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section.

Sec. 2. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

~~(13)~~(A) "Sexual harassment" is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal ~~or~~, physical, written, auditory, or visual conduct of a sexual nature when:

~~(A)~~(i) submission to that conduct is made either explicitly or implicitly a term or condition of employment;

~~(B)(ii)~~ submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or

~~(C)(iii)~~ the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

(B) Sexual harassment need not be severe or pervasive in order to be unlawful pursuant to this subchapter.

* * *

(16) "Harass" means to engage in unwelcome conduct based on an employee's race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition that interferes with the employee's work or creates a work environment that is intimidating, hostile, or offensive. In determining whether conduct constitutes harassment:

(A) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality, rather than in isolation.

(C) Conduct may constitute harassment, regardless of whether:

(i) the complaining employee is the individual being harassed;

(ii) the complaining employee acquiesced or otherwise submitted to or participated in the conduct;

(iii) the conduct is also experienced by others outside the protected class involved in the conduct;

(iv) the complaining employee was able to continue carrying out the employee's job duties and responsibilities despite the conduct;

(v) the conduct resulted in a physical or psychological injury; or

(vi) the conduct occurred outside the workplace.

Sec. 3. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

* * *

(12)(A) “Harass” means to engage in unwelcome conduct that detracts from, undermines, or interferes with a person’s:

(i) use of a place of public accommodation or any of the accommodations, advantages, facilities, or privileges of a place of public accommodation because of the person’s race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability; or

(ii) terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person’s race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.

(B) Notwithstanding any judicial precedent to the contrary, harassing conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this chapter. In determining whether conduct constitutes unlawful harassment:

(i) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(ii) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality, rather than in isolation.

(iii) Conduct may constitute unlawful harassment, regardless of whether:

(I) the complaining person is the person being harassed;

(II) the complaining person acquiesced or otherwise submitted to or participated in the conduct;

(III) the conduct is also experienced by others outside the protected class involved in the conduct;

(IV) despite the conduct, the complaining person was able to:

(aa) use the place of public accommodation or any of the accommodations, advantages, facilities, or privileges of the place of public accommodation; or

(bb) enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of the dwelling or other real

estate, or to obtain services or facilities in connection with the dwelling or other real estate;

(V) the conduct resulted in a physical or psychological injury;
or

(VI) the conduct occurred outside the place of public accommodation or the dwelling or other real estate.

(C) Behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this chapter.

(D) The provisions of this subdivision (12) shall not apply to any action brought under this chapter pursuant to the provisions of 16 V.S.A. § 570f.

Sec. 4. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

* * *

~~(d)(1) As used in this section, “harass” means to engage in unwelcome conduct that detracts from, undermines, or interferes with the person’s terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person’s race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.~~

~~(2) Notwithstanding any judicial precedent to the contrary, harassing conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this section. In determining whether conduct constitutes unlawful harassment:~~

~~(A) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.~~

~~(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality, rather than in isolation.~~

~~(C) Conduct may constitute unlawful harassment, regardless of whether:~~

- ~~(i) the complaining person is the person being harassed;~~
 - ~~(ii) the complaining person acquiesced or otherwise submitted to or participated in the conduct;~~
 - ~~(iii) the conduct is also experienced by others outside the protected class involved in the conduct;~~
 - ~~(iv) the complaining person was able to enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of the dwelling or other real estate, or to obtain services or facilities in connection with the dwelling or other real estate, despite the conduct;~~
 - ~~(v) the conduct resulted in a physical or psychological injury; or~~
 - ~~(vi) the conduct occurred outside the dwelling or other real estate.~~
- ~~(3) behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section. [Repealed.]~~

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

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

Bill Amended; Third Reading Ordered

S. 112.

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

An act relating to miscellaneous subjects related to the Public Utility Commission.

Reported recommending that the bill be amended in Sec. 1, 30 V.S.A. § 248, by striking out subsection (u) in its entirety and inserting a new subsection (u) to read as follows:

(u) For an energy storage facility, a certificate under this section shall only be required for a stationary facility exporting to the grid that has a capacity of 100 kW or greater, unless the Commission establishes a larger threshold by rule. The Commission shall establish a simplified application process for energy storage facilities subject to this section with a capacity of up to 1 MW,

unless it establishes a larger threshold by rule. For facilities eligible for this simplified application process, a certificate of public good will be issued by the Commission by the forty-sixth day following filing of a complete application, unless a substantive objection is timely filed with the Commission or the Commission itself raises an issue. The Commission may require facilities eligible for the simplified application process to include a letter from the interconnecting utility indicating the absence or resolution of interconnection issues as part of the application.

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.

Adjournment

On motion of Senator Clarkson, the Senate adjourned until eleven o'clock in the morning on Thursday, March 23, 2023.