

Journal of the Senate

FRIDAY, FEBRUARY 9, 2024

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the President recognized the following-named pages who are completing their services today and presented them with letters of appreciation.

Ada B. Allen of Craftsbury
Katharine Carbee of Middlesex
Brody Dussault of St. Johnsbury
Avery Howe of Williston
Gideon Kass of Montpelier
Stewart Lemnah of Stowe
Margaret Platzer of New Haven

Committee Relieved of Further Consideration; Bill Committed

H. 81.

On motion of Senator Ram Hinsdale, the Committee on Economic Development, Housing and General Affairs was relieved of further consideration of House bill entitled:

An act relating to fair repair of agricultural equipment,
and the bill was committed to the Committee on Agriculture.

Bill Referred to Committee on Finance

S. 309.

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 miscellaneous changes to laws related to the Department of Motor Vehicles, motor vehicles, and vessels.

Senate Resolution Referred**J.R.S. 44.**

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

By Senators Vyhovsky, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, McCormack, Perchlik, White, and Wrenner,

J.R.S. 44. Joint resolution declaring the increasing number of drug overdose deaths in Vermont to be a public health emergency.

Whereas, the use of drugs, especially opioids, in Vermont, regardless of whether the use originated with an initial prescription, an over-the-counter purchase, or the purchase of an unregulated drug, has led to an increasingly severe opioid-use crisis that has killed far too many Vermonters, and

Whereas, the victims are not only the individuals who die but also their families and friends, creating a broader human tragedy, and

Whereas, Department of Health (the Department) data reveals the severity of drug overdose deaths in Vermont, and

Whereas, the number of Vermonters who have perished due to drug overdoses, be they designated as accidental or undetermined, continues to accelerate, rising from 42 in 2010 to 264 in 2022 and representing a 500 percent increase over this time frame, and

Whereas, of these drug overdose deaths, those that involved an opioid grew from 37 in 2010 to 239 in 2022 (excluding those deaths deemed to be by suicide), and

Whereas, the opioids causing these deaths are now more toxic than in prior years, as fentanyl, a synthetic opioid that is 50 times more potent than heroin, was involved in 93 percent of the 2022 opioid overdose fatalities and, according to preliminary data, in 110 of the 115 drug overdose deaths recorded for the first six months of 2023, and

Whereas, other drugs contributing to overdose deaths in 2022 included cocaine (49 percent); heroin (nine percent); gabapentin (13 percent, up from two percent in 2021); methamphetamine (eight percent); and xylazine, which the FDA has only approved for veterinary use (28 percent, up from 13 percent in 2021), and

Whereas, 87 percent of opioid-based drug overdose deaths in 2022 involved at least two substances, and 25 percent involved four or more, and

Whereas, this rise in the number of drug overdose deaths is occurring despite the existence of extensive State and federally funded treatment services, and

Whereas, these services are clearly insufficient in reaching all individuals experiencing a substance use disorder because, according to a 2020 social autopsy, the Department documented that 76 percent of the Vermonters who had died from an accidental drug overdose had no known history of accessing treatment, and

Whereas, the severe problems associated with opioid-use disorder show no signs of abating, and the implementation of more effective solutions is an urgent imperative, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly declares the increasing number of drug overdose deaths in Vermont to be a public health emergency, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip B. Scott and to Commissioner of Health Dr. Mark Levine.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Health and Welfare.

Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment

H. 839.

House bill entitled:

An act relating to fiscal year 2024 budget adjustments.

Was taken up.

Thereupon, pending third reading of the bill, Senator Wrenner moved to amend the Senate proposal of amendment as follows:

First: By striking out Sec. 47 in its entirety and by inserting in lieu thereof a new Sec. 47 to read as follows:

Sec. 47. 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 78, Sec. C.115, is further amended to read:

Sec. B.1100 FISCAL YEAR 2023 ONE-TIME GENERAL FUND
APPROPRIATIONS

* * *

(b) \$11,000,000 is appropriated from the General Fund to the Department of Public Safety for regional dispatch funding. The funds are subject to the following conditions:

(1) Up to \$1,000,000 shall be available for the retention of technical experts to assist the Public Safety Communications Task Force with the analysis and planning required by ~~Sec. C.112 of this act~~ 2023 Acts and Resolves No. 78, Sec. C.114 and to fund the administrative expenses incurred by the Public Safety Communications Task Force. If the Task Force determines ~~in calendar year 2023~~ that additional funding is necessary to achieve its purposes, it may submit a request to the Joint Fiscal Committee. The Joint Fiscal Committee is authorized to approve up to an additional \$1,000,000.

(2) Up to \$4,500,000 shall be available to provide funding for pilot projects pursuant to ~~Sec. C.112(f), of this act~~ 2023 Acts and Resolves No. 78, Sec. C.114(f).

(3) Any remaining amounts not obligated pursuant to subdivisions (1) and (2) of this subsection (b) shall ~~be held in reserve~~ remain unobligated and unexpended until approval to expend the funds is authorized by further enactment of the General Assembly.

(4) ~~It is the intent of the General Assembly that the Department of Public Safety~~ In order to extract the greatest value from the limited State and federal dollars currently available for public safety communications modernization, it is the intent of the General Assembly that all such funding is expended in an efficient and complementary manner. To that end, the Commissioner of Public Safety shall seek to draw and deploy the \$9,000,000 in Congressionally Directed Spending to support Vermont's transition to a modernized, regional communications network in a manner that coordinates with and advances, to the greatest extent possible, the goals of a statewide public safety communications system developed by the Public Safety Communications Task Force. The Commissioner of Public Safety shall ~~consult with~~ promptly inform the Public Safety Communications Task Force as ~~the~~ federal parameters for expending the funds become available and as the Commissioner develops a and, if necessary, revises the plan to expend such funds. The Commissioner shall solicit recommendations from the Task Force regarding the plan, including any revisions to the plan, the implementation schedule, and specific expenditures Expenditures of the funds must be authorized by the Task Force. The Task Force shall only authorize an expenditure upon making a determination that such expenditure is in accordance with interim plans for the transition to statewide regional emergency communications and in a manner that ensures usefulness and

integration with any not-yet completed plans required by 2023 Acts and Resolves No. 78, Sec. C.114. In addition, the Commissioner shall update the Joint Fiscal Committee on planned expenditures.

* * *

Second: By striking out Sec. 48 in its entirety and by inserting in lieu thereof a new Sec. 48 to read as follows:

Sec. C.114 PUBLIC SAFETY COMMUNICATIONS SYSTEM;
DISPATCH; INVENTORY; DESIGN

(a) The General Assembly finds that protecting public safety and welfare is an essential function of State government and it is in the public interest to establish a statewide reliable, secure, and interoperable public safety communications system, comprising integrated 911 call-taking and regional dispatch systems, and to ensure that the system is equitably and sustainably financed and universally accessible by all persons throughout the State.

(b) It is not the intent of the General Assembly to establish a public safety communications system that disrupts or in any way jeopardizes the exceptional dispatch services currently in place or the existing 911 system, but rather to support, enhance, strengthen, and build upon those efforts and initiatives.

(c) The transition to a public safety communications system as specified in subsection (a) of this section shall be overseen and managed by the temporary Public Safety Communications Task Force established in subsection (d) of this section.

(d)(1) There is established a Public Safety Communications Task Force to oversee and manage all phases of the development, design, and implementation of a statewide public safety communications system as required by this section.

(2) The Task Force shall consist of ~~seven~~ 11 members as follows:

(A) the Executive Director of the Enhanced 911 Board, ~~who shall serve as Co-Chair or designee;~~

(B) the Commissioner of Public Safety or designee, ~~who shall serve as Co-Chair;~~

(C) ~~one~~ two municipal ~~official~~ officials appointed by the Executive Director of the Vermont League of Cities and Towns;

(D) one representative from a ~~public safety answering point overseen by a~~ municipal police department appointed by the Vermont Association of Chiefs of Police;

(E) one emergency medical technician or paramedic appointed by the Vermont State Ambulance Association;

(F) one firefighter appointed by the Vermont State Firefighters' Association; ~~and~~

(G) the Chair of the Regional Dispatch Working Group established by the General Assembly in 2022 Acts and Resolves No. 185;

(H) one sheriff appointed by the Vermont Sheriffs' Association;

(I) one regional emergency planner appointed by the Vermont Association of Planning and Development Agencies; and

(J) one representative appointed by the Vermont Communications Union District Association.

(3) At its initial organizational meeting as an 11-member Task Force the Task Force shall elect from among its members a chair and a vice chair. Meetings may be held at the call of a ~~Co-Chair~~ the Chair or at the request of two members. A majority of sitting members shall constitute a quorum, and action taken by the Task Force may be authorized by a majority of the members present and voting. Except for those members regularly employed by the State, members are entitled to a per diem in the amount of \$150 for each day spent in the performance of their duties. All members, including members otherwise regularly employed by the State, shall receive their actual and necessary expenses when away from home or office upon their official duties pursuant to this section. A vacancy shall be filled by the respective appointing authority. If the Chair of the Regional Dispatch Working Group declines to participate as a member of the Task Force, the Task Force shall appoint one member who shall have expertise relevant to the purposes of this section.

(4) The Task Force is authorized to retain a ~~project~~ program manager and one or more ~~additional~~ consultants with relevant expertise in public safety communications technology, design, governance, law, and financing to assist with the requirements of this section. The program manager shall not be a direct competitor of the other consultants.

(5) The Department of Public Safety shall provide the Task Force with administrative services and support.

(6)(A) The Task Force, in consultation with the Secretary of Administration, shall develop procedures and best practices for State agency cooperation and coordination on matters of overlapping jurisdiction. The primary purpose of this subdivision is to ensure the Task Force has access to expertise and data related to its mission, including expertise within and data

maintained by the Department of Public Service, the Agency of Digital Services, the Division of Emergency Preparedness, Response and Injury within the Department of Health, the Department of Taxes, the Agency of Transportation, the Enhanced 911 Board, and the Department of Public Safety.

(B) Nothing in this subdivision shall be construed to waive any privilege or protection otherwise afforded information by law due solely to the fact that the information is shared with the Task Force pursuant to this subdivision.

(7) All meetings of the Task Force shall be open to the public and conducted in accordance with the Vermont Open Meeting Law. All records of the Task Force are subject to the Vermont Public Records Act.

(8) The Task Force shall cease to exist when a State entity authorized by legislative enactment to permanently oversee and manage the public safety communications system becomes operational.

(e) The establishment of a statewide public safety communications system shall occur in essentially three phases, which include data collection and analysis, design, and implementation. Certain aspects of each phase may occur simultaneously as deemed appropriate by the Task Force.

(1) Data collection and analysis. On or before ~~September 15, 2024~~ May 15, 2025, the Task Force shall conduct a complete inventory and assessment of all aspects of dispatch service currently provided in Vermont and, ~~to the extent possible,~~ dispatch service currently provided outside Vermont for response agencies located in Vermont, which shall include:

(A) an inventory of all existing dispatch infrastructure and equipment, including facilities, hardware, software, applications, and land mobile radio systems, referring to and incorporating any existing relevant data collected by a State or municipal entity;

(B) the number of full-time and part-time personnel currently performing dispatch service, taking into account personnel who have other responsibilities in addition to providing dispatch service;

(C) the current total spending on dispatch service in Vermont that includes and itemizes for each municipality and dispatch center all federal, State, and municipal appropriations and fees, every contract for dispatch or first responder service, and projected budgets;

(D) identification of the communications dead zones in the State, meaning those areas that lack the infrastructure to support public safety land-mobile-radio communications or cellular voice and data service, or both, and taking into consideration all cell towers, including those that are part of the

FirstNet statewide public safety radio access network; cellular mapping efforts conducted by the Department of Public Service; and any existing, relevant mapping data collected by a dispatch center or other entity;

(E) with the assistance of the Vermont League of Cities and Towns, a needs assessment to determine where and to what extent there are gaps in dispatch service or significant challenges to the delivery of dispatch service and to identify those municipalities that are likely to be most affected by either the curtailment of dispatch service from the two State-run public safety answering points or from a new financing mechanism for the continuation of such service;

(F) an assessment of the ~~service~~ services provided by each dispatch center and identification of particular challenges or vulnerabilities, if any, including with regard to workforce, failover procedures, communications technology, costs, and governance; and

(G) collection and assessment of any other information the Task Force deems relevant.

(2) Design. On or before ~~January 15, 2024~~ September 15, 2024, the Task Force shall develop findings and recommendations related to draft elements of a preliminary design for a public safety communications system, including identification of a proposed implementation timeline and any additional data and resources needed to develop a final design on or before ~~December 15, 2024~~ September 15, 2025. The final design shall include:

(A) technical and operational standards and protocols that ensure an interoperable and resilient system that incorporates computer-aided dispatch systems and land mobile radios;

(B) technology life-cycle standards to ensure system and database upgrades are timely, sufficiently financed, and properly managed;

(C) system and database security and cybersecurity standards;

(D) continuity of operations standards and best practices that encompass failover procedures and other system redundancies to ensure the continuous performance of mission-critical operations;

(E) workforce training standards and other staffing best practices that support the retention and well-being of dispatch personnel;

(F) a resource allocation plan that ensures dispatch service is available in all regions of the State, including the establishment of new dispatch centers or expanded capacity and capability of existing dispatch centers, if deemed appropriate by the Task Force;

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- (G) a process for annually reviewing the budgets of dispatch centers;
- (H) a recommended governance model to ensure effective State and regional oversight, management, and continuous improvement of the system, including identification of staffing or operational needs to support such oversight and management of the system;
- (I) cost estimates for implementing the system in Vermont, including operational and capital costs;
- (J) options for sustainably and equitably structuring the financing of the public safety communications system, taking into consideration:
- (i) existing budgets for regional and local dispatch;
 - (ii) the population, grand list, and call volume of each municipality;
 - (iii) existing and potential State funding streams;
 - (iv) available federal funding opportunities for public safety agencies and emergency communications systems, including equipment, network infrastructure, and services;
 - (v) financing models adopted in other jurisdictions for public safety communications systems; and
 - (vi) any other standards or procedures deemed necessary or appropriate by the Task Force.
- (f)(1) If the Task Force determines that sufficient minimum technical and operational standards have been developed to warrant the funding of one or more pilot projects, the Task Force may submit for approval a pilot project plan to the Joint Fiscal Committee ~~in calendar year 2023~~ in calendar year 2024.
- (2) Pilot projects eligible for funding under this subsection may include new regional dispatch centers or expanded capacity at existing regional dispatch centers, provided the Task Force determines the pilot demonstrates project readiness and is otherwise consistent with the standards and purposes of this section.
- (3) In evaluating proposed pilot projects, the Task Force shall give a high priority to projects in geographical areas of the State that presently face significant challenges with respect to reliably providing dispatch service.
- (4) The pilot project plan shall include a description of each proposed project, the resources needed, and an explanation of how the project will align with, inform, and further the development of a statewide public safety

communications system and ensure transparency and accountability particularly with respect to the expenditure of State funds pursuant to this subsection.

(5) The Joint Fiscal Committee is authorized to approve up to \$4,500,000.00 in total for pilot projects authorized by this subsection.

(g) On or before ~~January 15, 2024~~ September 14, 2024, the Task Force shall submit a progress report on the data collection and analysis required by subdivision (e)(1) of this section, the findings and recommendations required by subdivision (e)(2) of this section, and a description and status report of any pilot projects funded pursuant to subsection (f) of this section in a written report to the Senate Committees on Government Operations and on Finance and the House Committees on Government Operations and Military Affairs, on Ways and Means, and on Environment and Energy. On or before ~~December 15, 2024~~ September 15, 2025, the Task Force shall submit to the same legislative committees a written report containing its final design plan as required by subdivision (e)(2) of this section.

(h) All activities described in this section are “information technology activities” as defined in 3 V.S.A. § 3301(b)(2) and, as such, are subject to the record keeping, strategic planning, and independent expert review requirements specified in 3 V.S.A. § 3303(b)-(d).

Which was disagreed to, on a roll call, Yeas 1, Nays 28.

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

Roll Call

Those Senators who voted in the affirmative were: Wrenner.

Those Senators who voted in the negative were: Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams.

Thereupon, pending third reading of the bill, Senators Kitchel, Baruth, Lyons, Perchlik, Sears, Starr and Westman moved to amend the Senate proposal of amendment as follows:

First: In Sec. 39, amending 2023 Acts and Resolves No. 78, B.1100, in subsection (o) by striking out subdivision (11) in its entirety and inserting in lieu thereof the following:

(11) \$11,304,802 General Fund for emergency housing needs through the end of fiscal year 2024; and

Second: By striking out Sec. 86, temporary emergency housing, in its entirety and inserting in lieu thereof a new Sec. 86 to read as follows:

Sec. 86. TEMPORARY EMERGENCY HOUSING

(a) To the extent emergency housing is available, the Commissioner for Children and Families shall ensure that temporary emergency housing is provided through June 30, 2024 to households eligible for the General Assistance Emergency Housing Program, including beneficiaries of the emergency housing transition benefit that is set to conclude on April 1, 2024 and excluding those individuals who only qualify for temporary emergency housing pursuant to the Department's adverse weather condition policy. Participation pursuant to this subsection shall not be bound by day limit maximums and shall be subject to the following eligibility criteria:

(1) for beneficiaries of the emergency housing transition benefit, 2023 Acts and Resolves No. 81, Sec. 6, and Department for Children and Families, Emergency Housing Transition Benefit (EH-100), adopted under Secretary of State emergency rule filing number 23-E12 or any future identical emergency rule adopted by the Department; and

(2) for all other participants of the General Assistance Emergency Housing Program, excluding those individuals who only qualify for temporary emergency housing pursuant to the Department's adverse weather condition policy, Department for Children and Families, General Assistance (CVR 13-170-260) as amended by Department for Children and Families under Secretary of State emergency rule filing number 23-E11 or any future identical emergency rule adopted by the Department.

(b) Temporary emergency housing required pursuant to subsection (a) of this section may be provided through approved shelters, new unit generation, open units, licensed hotels or motels, or other appropriate shelter space. The Agency of Human Services shall, when available, prioritize temporary emergency housing at housing or shelter placements other than licensed hotels or motels.

(c) On or before the last day of each month from April 2024 through June 2024, the Agency of Human Services, or other relevant agency or department, shall continue submitting a substantially similar report to that due pursuant to 2023 Acts and Resolves No. 81, Sec. 6(b).

(d) For temporary emergency housing provided beginning on March 1, 2024 and thereafter, the Agency of Human Services shall not pay a licensed hotel or motel establishment more than the lowest advertised room rate and not

more than \$80 a day per room to shelter a household experiencing homelessness. The Agency of Human Services may shelter a household in more than one licensed hotel or motel room depending on the household's size and composition.

(e) The Agency of Human Services shall apply the following rules:

(1) Section 2650.1 of the Department for Children and Families, General Assistance (CVR 13-170-260);

(2) Department of Health, Licensed Lodging Establishment Rule (CVR 13-140-023); and

(3) Department of Public Safety, Vermont Fire and Building Safety Code (CVR 28-070-001).

(f)(1) Prior to June 1, 2024, the Agency of Human Services may work with either a shelter provider or a community housing agency to enter into a full facility lease or sales agreement with a hotel or motel provider. Any facility conversion under this section shall comply with the Office of Economic Opportunity's shelter standards.

(2) If the Agency determines that a contractual arrangement with a licensed hotel or motel operator to secure temporary emergency housing capacity is beneficial to improve the quality, cleanliness, and access to services for those households temporarily housed in the facility, the Agency shall be authorized to enter into such an agreement; provided, however, that in no event shall such an agreement cause a household to become unhoused.

Third: By adding a new section to be Sec. 94d to read as follows:

Sec. 94d. 2023 Acts and Resolves No. 78, Sec. E.323.7 is amended to read as follows:

Sec. E.323.7 REACH AHEAD PILOT PROGRAM

* * *

(c) The incentive payments provided in subdivision (a)(4) of this section are reimbursements for past or future work expenses incurred by participating families.

Which were agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment, on a roll call, Yeas 25, Nays 3.

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

Roll Call

Those Senators who voted in the affirmative were: Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Harrison, Ingalls, Kitchel, Lyons, MacDonald, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Watson, Weeks, Westman, White, Williams, Wrenner.

Those Senators who voted in the negative were: Gulick, Hashim, Vyhovsky.

Those Senators absent and not voting were: Hardy, Mazza.

Message from the House No. 16

A message was received from the House of Representatives by Ms. Courtney Reckord, 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. 666. An act relating to escrow deposit bonds.

H. 751. An act relating to expanding equal pay protections.

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

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

H.C.R. 148. House concurrent resolution recognizing February 14, 2024 as Recovery Day at the State House.

H.C.R. 149. House concurrent resolution designating February 16, 2024 as Outdoor Recreation Day at the State House.

H.C.R. 150. House concurrent resolution honoring Dr. David Winfield Butsch for a half century of meritorious medical, civic, and humanitarian leadership in Central Vermont and internationally.

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

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. Whitman,

H.C.R. 148.

House concurrent resolution recognizing February 14, 2024 as Recovery Day at the State House.

By Reps. Dolan and others,

By Senators Clarkson, Bray, Brock, Cummings, Gulick, Harrison, Ram Hinsdale, White and Wrenner,

H.C.R. 149.

House concurrent resolution designating February 16, 2024 as Outdoor Recreation Day at the State House.

By Reps. Dolan and Goslant,

H.C.R. 150.

House concurrent resolution honoring Dr. David Winfield Butsch for a half century of meritorious medical, civic, and humanitarian leadership in Central Vermont and internationally.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, February 13, 2024, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 43.