

Journal of the Senate

WEDNESDAY, MARCH 15, 2023

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Joel Daniel Hubbard III of Essex Junction.

Bill Referred to Committee on Appropriations

S. 124.

Senate committee 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 creation of the School Construction Aid Task Force.

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:

Stewart, James B. of Pittsford - Member of the Vermont Economic Progress Council - from March 6, 2023 to March 31, 2023.

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

Gregoritsch, Mark of Essex - Member of the Occupational Safety and Health Review Board - from March 1, 2023 to February 28, 2029.

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

Wolf, Matt of East Montpelier - Member of the Children and Family Council for Prevention Programs - from March 1, 2023 to February 28, 2026.

To the Committee on Health and Welfare.

Bernstein, Matthew of Winooski - Advocate of the Office of the Child, Youth, and Family Advocate - from February 27, 2023 to February 28, 2027.

To the Committee on Health and Welfare.

Sweet, Grace of Waterbury Center - Member of the Community High School of Vermont Board - from March 1, 2023 to February 28, 2026.

To the Committee on Education.

Weinstein, Heather of Montpelier - Member of the Community High School of Vermont Board - from March 1, 2023 to February 28, 2026.

To the Committee on Education.

Brown, Brody of Williamston - Member of the State Board of Health - from March 1, 2023 to February 28, 2029.

To the Committee on Health and Welfare.

Noel, Paul of Irasburg - Member of the Fish and Wildlife Board - from March 1, 2023 to February 28, 2029.

To the Committee on Natural Resources and Energy.

VanBuren, Martin of Poultney - Member of the Fish and Wildlife Board - from March 1, 2023 to February 28, 2029.

To the Committee on Natural Resources and Energy.

Hayward, Susan of Middlesex - Member of the Capitol Complex Commission - from March 1, 2023 to February 28, 2026.

To the Committee on Institutions.

Shouldice, Heather of Leicester - Member of the Capitol Complex Commission - from March 1, 2023 to February 28, 2026.

To the Committee on Institutions.

Brand, Julia of Dorset - Member of the Children and Family Council for Prevention Programs - from March 1, 2023 to January 28, 2026.

To the Committee on Health and Welfare.

Haskell, Sabina of Burlington - Chair, Natural Resources Board - from March 1, 2023 to February 28, 2025.

To the Committee on Natural Resources and Energy.

Morrison, Jennifer of North Hero - Commissioner, Department of Public Safety - from March 1, 2023 to February 28, 2025.

To the Committee on Transportation.

Winters, Christopher of Berlin - Commissioner, Department for Children and Families - from February 19, 2023 to February 28, 2023.

To the Committee on Health and Welfare.

Harrington, Michael A. of Northfield - Commissioner, Department of Labor - from March 1, 2023 to February 28, 2025.

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

Gaffney, Kevin of Jericho - Commissioner, Department of Financial Regulation - from March 1, 2023 to February 28, 2025.

To the Committee on Finance.

Minoli, Wanda of Montpelier - Commissioner, Department of Motor Vehicles - from March 1, 2023 to February 28, 2025.

To the Committee on Transportation.

Flynn, Joe of South Hero - Secretary, Agency of Transportation - from March 1, 2023 to February 28, 2025.

To the Committee on Transportation.

Moore, Julie of Middlesex - Secretary, Agency of Natural Resources - from March 1, 2023 to February 28, 2025.

To the Committee on Natural Resources and Energy.

Samuelson, Jenney of Shelburne - Secretary, Agency of Human Services - from March 1, 2023 to February 28, 2025.

To the Committee on Health and Welfare.

French, Dan of Manchester Center - Secretary, Agency of Education - from March 1, 2023 to February 28, 2025.

To the Committee on Education.

Nailor, Shawn of Worcester - Secretary and CIO, Agency of Digital Services- from March 1, 2023 to February 28, 2025.

To the Committee on Government Operations.

Kurrle, Lindsay of Middlesex - Secretary, Agency of Commerce and Community Development - from March 1, 2023 to February 28, 2025.

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

Tebbetts, Anson of Marshfield - Secretary, Agency of Agriculture, Food and Markets - from March 1, 2023 to February 28, 2025.

To the Committee on Agriculture.

Bolio, Craig of Essex Junction - Commissioner, Department of Taxes - from March 1, 2023 to February 28, 2025.

To the Committee on Finance.

Fastiggi, Beth of Burlington - Commissioner, Department of Human Resources - from March 1, 2023 to February 28, 2025.

To the Committee on Government Operations.

Greshin, Adam of Warren - Commissioner, Department of Finance and Management - from March 1, 2023 to February 28, 2025.

To the Committee on Government Operations.

Fitch, Jennifer of Montpelier - Commissioner, Department of Buildings and General Services - from March 1, 2023 to February 28, 2025.

To the Committee on Institutions.

Clouser, Kristin L. of Jericho - Secretary, Agency of Administration - from March 1, 2023 to February 28, 2025.

To the Committee on Government Operations.

Knight, Wendy of Panton - Commissioner, Department of Liquor and Lottery - from March 1, 2023 to February 28, 2025.

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

Joint Resolution Placed on Calendar

J.R.S. 19.

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

By Senate Committee on Institutions,

J.R.S. 19. Joint resolution relating to State lands transactions in Jamaica State Park and Coolidge State Forest.

Whereas, the Department of Forests, Parks and Recreation (the Department) owns and manages the Jamaica State Park (the Park) in Jamaica and the Coolidge State Forest (the Forest), which includes the Curtis Hollow Block in Woodstock, and

Whereas, Jamaica State Park, which is situated adjacent to the West River, includes the widely used West River Trail, and a segment of this trail passes across a 5.4-acre inholding that the Nancy J. Winslow Revocable Trust (the Trust) owns, and which is known as the Salmon Hole Lot (the Lot), and

Whereas, the public uses the Lot to access and picnic along the West River, and for bicycling, cross-country skiing, and hiking on the West River and Overlook Trails, which pass through the Lot, and Peter Winslow has agreed to acquire this parcel from the Trust, and

Whereas, Peter Winslow owns two non-contiguous parcels adjacent to the Park, and the Department recently discovered that development on one of the parcels encroaches on the Park, and

Whereas, the Department proposes to convey to Peter Winslow an approximately 24.7-acre parcel that is of little conservation or recreational value, which will resolve the encroachment, in exchange for the Department's acquisition of the Lot and an associated right-of-way easement across the West River Trail to access the Lot, and

Whereas, the Department will retain a right-of-way easement along Jacobs Road, across the property to be conveyed to Peter Winslow, to provide access to the Park for both public access and forest management, and

Whereas, Jaime Ellertson owns a 160-acre parcel that separates a segment of the Forest from another parcel of the Forest, and he also owns a second parcel that the Forest separates from his 160-acre parcel, and

Whereas, the 160-acre Ellertson parcel and the separated segment of the Forest are both landlocked and lacking in legal access, and the Vermont Land Trust (VLT) holds a conservation easement on the 160-acre Ellertson parcel that allows for the subdivision and development of one residential lot, and

Whereas, Jaime Ellertson has agreed to convey to the Department a 102-acre parcel and a 400-foot-wide right-of-way easement for a public recreational trail to the summit of Old Baldy Mountain, and, in exchange, the Department will convey to Jaime Ellertson a 102-acre parcel, subject to a conservation easement to be conveyed from the Department to VLT, and these transactions will eliminate the privately held subdivision and development right under the VLT easement, either through extinguishment or conveyance to the Department, resolve the access issues related to the 160-acre Ellertson parcel and the separated Forest parcel, and provide permanent public recreational access to the summit of Old Baldy Mountain, and

Whereas, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation (the Commissioner) to sell, convey, exchange, or lease land, or interests in land, or to amend deeds, leases, and easement interests subject to General Assembly approval, and both the Commissioner and the General Assembly find the following actions to be in the best interests of the State, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes the Commissioner of Forests, Parks and Recreation to take the following actions:

First: With respect to Jamaica State Park: To convey to Peter Winslow a parcel of approximately 24.7 acres in the Town of Jamaica with certain deed restrictions prohibiting commercial and residential development and use and limiting use of the parcel to forestry, recreation, and vehicular access by Peter Winslow. In exchange for the conveyance of the Department, Peter Winslow will convey to the Department a parcel of approximately 5.4 acres, known as the Salmon Hole Lot, via a warranty deed, without restrictions on use other than commercial and residential restrictions that currently exist in the deed held by the Trust. The Department shall retain a right-of-way easement for forest management and public recreation purposes across the 24.7-acre parcel from or along Town Legal Trail 12 to access the Park.

Second: With respect to Coolidge State Forest: To convey to the Vermont Land Trust a conservation easement restricting development and use on a 102-acre parcel, which is part of the Curtis Hollow Block, to forestry, educational, recreational, and open-space purposes, and then to convey the parcel to Jaime Ellertson, subject to the conservation easement. In exchange for the conveyance of the currently Department-owned 102-acre parcel to Jaime Ellertson, he shall convey to the Department a separate 102-acre parcel adjacent to the Forest, subject only to the existing VLT easement, along with a 400-foot-wide right-of-way easement for a public recreation trail to the summit of Old Baldy Mountain. Additionally, Jaime Ellertson shall eliminate, either through conveyance or extinguishment, his existing right to subdivide and develop one residential lot on the 160-acre parcel, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation.

Thereupon, under Rule 34 and 51, the resolution was placed on the Calendar for notice.

Bills Introduced

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

S. 126.

By Senator Lyons,

An act relating to expanding community health teams to provide additional mental health and substance use disorder services.

To the Committee on Health and Welfare.

S. 127.

By Senators Vyhovsky, MacDonald, McCormack and Ram Hinsdale,

An act relating to the creation of new types of cannabis establishment licenses and the provision of cannabis excise tax revenue to the Cannabis Business Development Fund, communities that have been disproportionately impacted by cannabis prohibition, and substance misuse treatment.

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

S. 128.

By Senators Vyhovsky, Gulick, White and Wrenner,

An act relating to the regulation of kratom products.

To the Committee on Health and Welfare.

S. 129.

By Senators Vyhovsky, Clarkson, Gulick, MacDonald, McCormack, Perchlik, Ram Hinsdale, Watson and White,

An act relating to employee privacy protections.

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

S. 130.

By Senators Wrenner, Baruth, Gulick, Harrison and Vyhovsky,

An act relating to miscellaneous employee rights and protections.

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

Bills Referred

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

H. 40.

An act relating to nonconsensual removal of or tampering with a condom.
To the Committee on Judiciary.

H. 94.

An act relating to removing the Reach Up ratable reduction.
To the Committee on Health and Welfare.

H. 217.

An act relating to miscellaneous workers' compensation amendments.
To the Committee on Economic Development, Housing and General Affairs.

H. 227.

An act relating to the Vermont Uniform Power of Attorney Act.
To the Committee on Judiciary.

H. 411.

An act relating to extending COVID-19 health care regulatory flexibility.
To the Committee on Health and Welfare.

H. 429.

An act relating to miscellaneous changes to election laws.
To the Committee on Government Operations.

Bill Passed**S. 14.**

Senate bill of the following title was read the third time and passed:
An act relating to Justice Reinvestment II reporting requirements.

Bill Amended; Bill Passed**S. 95.**

Senate bill entitled:

An act relating to banking and insurance.

Was taken up.

Thereupon, pending third reading of the bill, Senator Cummings moved to amend the bill in Sec. 5, 9 V.S.A. § 43, in the second sentence, by striking out

the following: “8 V.S.A. § 41a” and inserting in lieu thereof the following: 9 V.S.A. § 41a

Which was agreed to.

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

Third Reading Ordered

J.R.S. 17.

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

Joint resolution urging U.S. Citizenship and Immigration Services to comply with the expedited asylum hearing provisions of the Afghan Supplemental Appropriations Act of 2022.

Reported that the joint resolution ought to be adopted.

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

Committee Relieved of Further Consideration; Bill Committed

S. 113.

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

An act relating to requiring gas stations and convenience stores to provide notice to customers of holds on payment at the point of sale,

and the bill was committed to the Committee on Transportation.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, March 16, 2023.