

Journal of the Senate

TUESDAY, FEBRUARY 27, 2024

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Joan Javier-Duval of Montpelier.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Joint Resolution Placed on Calendar

J.R.S. 47.

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

J.R.S. 47. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Magistrate.

Whereas, declarations have been submitted by the following two Superior Judges that they be retained for another six-year term, Judge John R. Treadwell, and Judge Lisa A. Warren and one Magistrate that he be retained for another six year term, Magistrate Barry E. Peterson, and

Whereas, the procedures of the Joint Committee on Judicial Retention require at least one public hearing and the review of information provided by each candidate and the comments of members of the Vermont bar and the public, and

Whereas, Subsection 608(b) of Title 4, requires the Committee to complete its evaluation of judicial performance of the candidates seeking to be retained in office by March 7, 2024, and subsection 10(b) of Title 2 requires a vote in Joint Assembly to be held on March 14, 2024, and

Whereas, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Tuesday, March 26, 2024, at ten o'clock and thirty minutes in the forenoon to vote on the retention of two Superior Judges and one Magistrate.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Bill Referred

House bill of the following title was read the first time and referred:

H. 543.

An act relating to Vermont's adoption of the Social Work Licensure Compact.

To the Committee on Health and Welfare.

Bill Amended; Third Reading Ordered

S. 199.

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

An act relating to mergers and governance of communications union districts.

Reported recommending that the bill be amended by striking out Sec. 4, 30 V.S.A. § 3069, in its entirety and by inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. 30 V.S.A. § 3069 is amended to read:

§ 3069. TREASURER

The treasurer of the district shall be appointed by the board, and shall serve at its pleasure. The treasurer shall not be a member of the governing board. The treasurer shall have the exclusive charge and custody of the funds of the district and shall be the disbursing officer of the district. When authorized by the board, the treasurer may sign, make, or endorse in the name of the district all checks and orders for the payment of money and pay out and disburse the same and receipt therefor. The treasurer shall keep a record of every obligation issued and contract entered into by the district and of every payment thereon. The treasurer shall keep correct books of account of all the business and transactions of the district and such other books and accounts as the board may require. The treasurer shall render a statement of the condition of the finances of the district at each regular meeting of the board and at such other times as shall be required of the treasurer. The treasurer shall prepare the annual financial statement and the budget of the district for distribution, upon

approval of the board, to the legislative bodies of district members. The treasurer shall do and perform all of the duties appertaining to the office of treasurer of a body politic and corporate. The treasurer may delegate authority to perform any or all of the duties described in this section, provided such delegation is approved by the board or authorized in the district's bylaws, and further provided the treasurer retains accountability and oversight authority for any such delegations. Upon removal or the treasurer's termination from office by virtue of removal or resignation, the treasurer shall immediately pay over to the successor all of the funds belonging to the district and at the same time deliver to the successor all official books and papers.

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 the recommendation of amendment was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senators Hardy, Clarkson, Norris, Vyhovsky and Watson moved to amend the bill by striking out Sec. 3, 30 V.S.A. § 3060, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. 30 V.S.A. § 3060 is amended to read:

§ 3060. ORGANIZATIONAL MEETING

Annually, on the second Tuesday in May following the appointments contemplated in section 3059 of this chapter or on a date specified in the district's bylaws, the board shall hold its organizational meeting. At such meeting, the board shall elect from among its appointed representatives a chair and a vice chair, each of whom shall hold office for one year and until ~~his or her~~ a successor is duly elected. The board's initial organizational meeting shall be held within 90 days ~~of~~ following the vote to form a district under subsection 3051(b) of this title.

Which was agreed to and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 278.

Senator Vyhovsky, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to contributory negligence in a civil action involving sexual assault.

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

Sec. 1. 12 V.S.A. § 1036 is amended to read:

§ 1036. COMPARATIVE NEGLIGENCE

(a) ~~Contributory~~ Comparative negligence shall not bar recovery in an action by any plaintiff, or ~~his or her~~ the plaintiff's legal representative, to recover damages for negligence resulting in death, personal injury, or property damage, if the negligence was not greater than the causal total negligence of the defendant or defendants, but the damage shall be diminished by general verdict in proportion to the amount of negligence attributed to the plaintiff. Where recovery is allowed against more than one defendant, each defendant shall be liable for that proportion of the total dollar amount awarded as damages in the ratio of the amount of ~~his or her~~ the defendant's causal negligence to the amount of causal negligence attributed to all defendants against whom recovery is allowed.

(b) Comparative negligence shall be prohibited as a defense to limit a plaintiff's recovery for damages in an action for a negligence claim relating to a sexual act as defined in 13 V.S.A. § 3251 or sexual conduct as defined in 13 V.S.A. § 2821.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to prohibiting a comparative negligence defense in an action for a negligence claim relating to a sexual act or sexual conduct"

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.

Message from the House No. 25

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. 132. An act relating to prohibiting discrimination against persons without homes.

H. 745. An act relating to the Vermont Parentage Act.

H. 861. An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone.

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

The House has considered concurrent resolution originating in the Senate of the following title:

S.C.R. 10. Senate concurrent resolution honoring Waterville Town Clerk and Treasurer Nancy LaRose for her exemplary municipal public service.

And has adopted the same in concurrence.

Senate Concurrent Resolution

The following joint concurrent resolution, 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, was adopted on the part of the Senate:

By Senator Westman,

By Rep. Boyden,

S.C.R. 10.

Senate concurrent resolution honoring Waterville Town Clerk and Treasurer Nancy LaRose for her exemplary municipal public service.

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 Reps. Brownell and Morrissey,

By Senators Campion and Sears,

H.C.R. 160.

House concurrent resolution in memory of veteran Pownal firefighter Kenneth Carlton O'Dell.

By Reps. Page and others,

By Senators Ingalls and Starr,

H.C.R. 161.

House concurrent resolution honoring Newport City Council Chair John Wilson for his national and municipal public service.

By All Members of the House,

By All Members of the Senate,

H.C.R. 162.

House concurrent resolution honoring Sergeant at Arms Janet Miller for her stellar public service for the General Assembly.

By Reps. Stone and others,

H.C.R. 163.

House concurrent resolution recognizing Public Schools Week in Vermont.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 28, 2024.