

# Journal of the Senate

## Of the STATE OF VERMONT BIENNIAL SESSION, 2023

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WEDNESDAY, JANUARY 4, 2023

Pursuant to the provisions of the Constitution and the laws of the State of Vermont, the Senate convened at the State House at Montpelier, on the first Wednesday, after the first Monday, the 4th day of January in the year of two thousand twenty-three.

At ten o'clock in the forenoon, eastern standard time, the Senate was called to order by the President, Lieutenant Governor Molly R. Gray.

### Devotional Exercises

Devotional exercises were conducted by the Reverend Peter Plagge of Waterbury.

### Pledge of Allegiance

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

### Roll Call

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator M. Jane Kitchel
Chittenden-Central District	Senator Philip E. Baruth Senator Martine Larocque Gulick Senator Tanya C. Vyhovsky
Chittenden-North District	Senator Irene Ava Wrenner

Chittenden-Southeast District	Senator Thomas I. Chittenden Senator Virginia V. Lyons Senator Kesha Ram Hinsdale
Essex District	Senator Russell H. Ingalls
Franklin District	Senator Robert W. Norris
Grand Isle District	Senator Richard T. Mazza
Orange District	Senator Mark A. MacDonald
Orleans District	Senator Robert A. Starr
Rutland District	Senator Brian P. Collamore Senator David H. Weeks Senator Terry K. Williams
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anne Elizabeth Watson
Windham District	Senator Wendy K. Harrison Senator Nader A. Hashim
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Rebecca Elizabeth White

### **Oath Administered**

The twenty-eight Senators-elect present and in their seats were duly sworn by the Secretary and severally subscribed the oath of office.

### **Election of Officers**

The President announced that the next order of business was the election of officers, and that nominations for Secretary were in order:

Senator Clarkson of Windsor District nominated

**JOHN H. BLOOMER, JR.**

of the Town of Wallingford.

Senator Collamore of Rutland District seconded the nomination.

There being no further nominations, on motion of Senator Baruth, the nominations were closed and the Assistant Secretary was instructed to cast one ballot for

**JOHN H. BLOOMER JR.**

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of the Town of Wallingford, as Secretary of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

**Election of President *Pro Tempore***

The President then announced that the next order of business was the election of a President *pro tempore*.

Senator Bray of Addison District nominated

**PHILIP E. BARUTH**

of Chittenden-Central District.

Senator Gulick of Chittenden-Central District seconded the nomination.

There being no further nominations, on motion of Senator Clarkson, the nominations were closed and the Secretary was instructed to cast one ballot for

**PHILIP E. BARUTH**

of Chittenden-Central District as President *pro tempore* of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

**Election of Third Member of Committee on Committees**

The Senate then proceeded to the election of a Senator to serve with the President and President *pro tempore* as a member of the Committee on Committees, which appoints the standing committees of the Senate.

Senator Kitchel of Caledonia District nominated

**RICHARD T. MAZZA**

of Grand Isle District.

Senator Collamore of Rutland District seconded the nomination.

There being no further nominations, on motion of Senator Baruth, the nominations were closed and the Secretary was instructed to cast one ballot for

**RICHARD T. MAZZA**

of Grand Isle District to serve with the President and President *pro tempore* as a member of the Committee on Committees.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

**Appointments**

The President announced the appointment by the Secretary of

**MELISSA ROSE KUCSERIK**

of Montpelier, as Assistant Secretary of the Senate, and she presented herself at the bar of the Senate and received the oath of office from the Secretary.

The President announced the appointment by the Secretary of

**CHRISTINE F. GILHULY**

of Warren, as Operations Manager/Journal Clerk, and

**VANESSA J. DAVISON**

of Hardwick, as Operations Facilitator/Calendar Clerk, and

**PENNY M. CARPENTER**

of Waterbury, as Office Associate.

**Senate Resolutions Adopted**

Senate resolutions of the following titles were severally offered, read and adopted, and are as follows:

By Senator Baruth,

**S.R. 1.** Senate resolution relating to the rules of the Senate.

***Resolved by the Senate:***

That for the 2023 Biennial Session the Senate be governed by the Permanent Rules of the Senate as in effect at the end of the 2022 Adjourned Session, until others are adopted, with the following amendment:

*First:* Permanent Rule 2A is amended to read as follows:

2A. The Senators from the Addison Senatorial District shall occupy seats numbered 18 and 19; from the Bennington Senatorial District, seats numbered 5 and 6; from the Caledonia Senatorial District, seat number 26; from the Chittenden-Central Senatorial District, seats numbered 10, 11 and 12; from the Chittenden-North Senatorial District, seat number 27; from the Chittenden-Southeast Senatorial District, seats numbered 7, 8 and 9; from the Essex Senatorial District, seat number 3; from the Franklin Senatorial District, seats numbered 20 and 21; from the Grand Isle Senatorial District, seat number 25; from the Lamoille Senatorial District, seat number 1; from the Orange Senatorial District, seat number 4; from the Orleans Senatorial District, seat number 2; from the Rutland Senatorial District, seats numbered 22, 23 and 24; from the Washington Senatorial District, seats numbered 28, 29 and 30; from

the Windham Senatorial District, seats numbered 16 and 17; and from the Windsor Senatorial District, seats numbered 13, 14 and 15.

By Senator Baruth,

**S.R. 2.** Senate resolution relating to concurrently conducted electronic committee meetings.

***Resolved by the Senate:***

Notwithstanding the language in Permanent Senate Rule 32A limiting the applicability of Senate Rule 32A to Declarations of Emergency, the provisions of Permanent Senate Rule 32A regarding committee meetings shall be in effect until March 3, 2023.

By Senator Baruth,

**S.R. 3.** Senate resolution relating to electronic participation in Senate Sessions.

***Resolved by the Senate:***

That a temporary rule, to be designated by Rule 9B, be adopted to read as follows:

Rule 9B. Temporary Rule Regarding Electronic Participation in Senate Sessions

(a)(1) Senate Sessions shall return to in-person legislating, except a Senator may participate, debate, deliberate and vote pursuant to the procedures of Senate Rule 9A in concurrently conducted electronic sessions on a temporary, emergency basis if:

(A) the Senator has tested positive for, or is diagnosed with, COVID-19 and is within a required period of isolation;

(B) the Senator has COVID-19 symptoms and is awaiting the results of a diagnostic test;

(C) the Senator is the primary caregiver for a household member, and the household member is required to be home due to one of the reasons set forth in subdivisions (A)–(B) of this subdivision (1); or

(D) the Senator or the household member for which the Senator is the primary caregiver has a temporary emergency relating to care or health.

(2) A Senator may avail themselves of section (a)(1)(D) for no more than two (2) consecutive days. A Senator may request the Rules Committee authorize a longer duration of participation under section (a)(1)(D).

(b) This temporary rule shall remain in effect through Friday, March 3, 2023.

By Senator Clarkson,

**S.R. 4.** Senate resolution relating to appointment of a committee to inform the Governor of the organization of the Senate.

***Resolved by the Senate:***

That a committee of four Senators be appointed by the President to wait upon His Excellency, the Governor, and to inform him that the Senate has organized and is ready on its part to proceed with the business of the session.

By Senator Clarkson,

**S.R. 5.** Senate resolution relating to informing the House of the organization of the Senate.

***Resolved by the Senate:***

That the Secretary be directed to inform the House of Representatives that a quorum of the Senate has assembled and organized by the election of **John H. Bloomer, Jr.**, of Wallingford, as Secretary, and **Philip E. Baruth**, a Senator from Chittenden-Central District, as President *pro tempore*, and is ready on its part to proceed with the business of the session.

**Joint Senate Resolutions Adopted on the Part of the Senate**

Joint Senate resolutions of the following titles were severally offered, read and adopted on the part of the Senate, and are as follows:

By Senator Mazza,

**J.R.S. 1.** Joint resolution relating to joint rules.

***Resolved by the Senate and House of Representatives:***

That the joint rules of the Senate and the House as adopted in 2021 be adopted as the joint rules of this biennial session until others are adopted.

By Senator Baruth,

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 5, 2023, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General,

and if it shall be declared by said Committee that there had been no election by the voters of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the voters.

By Senator Baruth,

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 5, 2023, at two o'clock in the afternoon to receive the inaugural message of the Governor.

By Senator Baruth,

**J.R.S. 4.** Joint resolution relating to Town Meeting adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, March 3, 2023, or Saturday, March 4, 2023, it be to meet again no later than Tuesday, March 14, 2023.

By Senator Kitchel,

**J.R.S. 5.** Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Friday, January 20, 2023, at one o'clock in the afternoon to receive the budget message of the Governor.

**Committee Appointed**

Pursuant to the provisions of S.R. 4, the President appointed a Committee to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session:

Senator Clarkson  
Senator Perchlik  
Senator Collamore  
Senator Campion

**Report of Committee**

Senator Clarkson, of Windsor District, for the Committee appointed to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session, appeared at the bar of the Senate and reported that it had performed the duties assigned to it.

**Canvassing Committee Elected**

The President nominated as a committee on the part of the Senate to canvass votes for state officers,

Senator Hardy, of Addison District  
Senator Champion, of Bennington District  
Senator Kitchel, of Caledonia District  
Senator Gulick, of Chittenden-Central District  
Senator Wrenner, Chittenden-North District  
Senator Ram Hinsdale, Chittenden-Southeast District  
Senator Ingalls, of Essex  
Senator Norris, of Franklin District  
Senator Mazza, of Grand Isle District  
Senator Westman, of Lamoille District  
Senator MacDonald, of Orange District  
Senator Starr, of Orleans District  
Senator Williams, of Rutland District  
Senator Watson, of Washington District  
Senator Harrison, of Windham District  
Senator White, of Windsor District

Thereupon, Senator Baruth moved that the nominees be elected by the Senate, which was agreed to.

Thereupon, the President declared the nominees elected, and the fifteen Committee members present and elected received the oath of office from the Secretary.

The President designated Senator Hardy, of Addison District, as Chair of the Joint Canvassing Committee to canvass votes for state officers.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until nine o'clock and forty-five minutes in the morning.