

# Journal of the Senate

FRIDAY, MARCH 31, 2023

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Message from the House No. 37

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. 31.** An act relating to aquatic nuisance control.

**H. 158.** An act relating to the beverage container redemption system.

**H. 205.** An act relating to establishing the Small Farmer Diversification and Transition Program.

**H. 222.** An act relating to reducing overdoses.

**H. 480.** An act relating to property valuation and reappraisals.

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

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

**J.R.S. 21.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on March 29, 2023, he approved and signed a bill originating in the House of the following title:

**H. 411.** An act relating to extending COVID-19 health care regulatory flexibility.

---

**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.

Olivia P. Badger of Barre Town  
Gabrielle Bock of Northfield  
Nicholas R. Cellini of Pomfret  
Emilia Y. Chittenden of South Burlington  
Asa Lloyd of Montpelier  
Connor Noyes-Urffer of Brattleboro  
Elise O'Brien of East Montpelier

**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 142.**

By Senators Hashim and Vyhovsky,

An act relating to eligibility requirements for law enforcement officers.

To the Committee on Government Operations.

**Bills Referred**

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

**H. 31.**

An act relating to aquatic nuisance control.

To the Committee on Natural Resources and Energy.

**H. 158.**

An act relating to the beverage container redemption system.

To the Committee on Natural Resources and Energy.

**H. 205.**

An act relating to establishing the Small Farmer Diversification and Transition Program.

To the Committee on Agriculture.

**H. 222.**

An act relating to reducing overdoses.

To the Committee on Health and Welfare.

**H. 480.**

An act relating to property valuation and reappraisals.

To the Committee on Government Operations.

**Bills Passed**

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

**S. 30.** An act relating to creating a Sister State Program.

**S. 56.** An act relating to child care and early childhood education.

**Bill Amended; Bill Passed****S. 100.**

Senate bill entitled:

An act relating to housing opportunities made for everyone.

Was taken up.

Thereupon, pending third reading of the bill, Senator Chittenden moved to amend the bill as follows:

First: In Sec. 16, in subdivision (3)(A), by adding a new subdivision (xii) to read as follows:

(xii) Until July 1, 2026, the construction of housing projects such as cooperatives, condominiums, dwellings, or mobile homes, with 25 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years, located within a municipality with permanent zoning and subdivision bylaws.

Second: By striking out Sec. 16b in its entirety and inserting in lieu thereof a new Sec. 16b to read as follows:

Sec. 16b. ACT 250 EXEMPTION REQUIREMENTS

In order to qualify for the exemptions established in 10 V.S.A. § 6001 (3)(A)(xi), (3)(A)(xii), and (3)(D)(viii)(III), a person shall apply for a jurisdictional opinion under 10 V.S.A. § 6007 by July 1, 2026. The

jurisdictional opinion shall require the project to substantially complete construction by June 30, 2029 in order to remain exempt.

Thereupon, Senators Ram Hinsdale, Harrison and Clarkson, moved to substitute a recommendation of amendment for the recommendation of amendment of Sen. Chittenden as follows:

By adding a new section to be Sec. 17c to read as follows:

Sec. 17c. 2022 Acts and Resolves No. 182, Sec. 41 is amended to read:

Sec. 41. REPORT; NATURAL RESOURCES BOARD

(a) On or before December 31, 2023, the Chair of the Natural Resources Board shall report to the House Committees on Natural Resources, Fish, and Wildlife and on Ways and Means and the Senate Committees on Finance and on Natural Resources and Energy on necessary updates to the Act 250 program.

(b) The report shall include:

(1) How to transition to a system in which Act 250 jurisdiction is based on location, which shall encourage development in designated areas, the maintenance of intact rural working lands, and the protection of natural resources of statewide significance, including biodiversity. Location-based jurisdiction would adjust the threshold for Act 250 jurisdiction based on the characteristics of the location. This section of the report shall consider whether to develop thresholds and tiers of jurisdiction as recommended in the Commission on Act 250: the Next 50 Years Report.

(2) How to use the Capability and Development Plan to meet the statewide planning goals.

(3) An assessment of the current level of staffing of the Board and District Commissions, including whether there should be a district coordinator located in every district.

(4) Whether the permit fees are sufficient to cover the costs of the program and, if not, a recommendation for a source of revenue to supplement the fees.

(5) Whether the permit fees are effective in providing appropriate incentives.

(6) Whether the Board should be able to assess its costs on applicants.

(7) Whether increasing jurisdictional thresholds for housing development to 25 units under 10 V.S.A. § 6001(3)(A)(iv) would affect housing affordability, especially for primary homeownership, and what the

potential impact of increasing those thresholds to 25 units would have on natural and community resources addressed under existing Act 250 criteria.

Which was agreed to.

Thereupon, the question, Shall the bill be amended as recommended by Senators Chittenden, as substituted?, was agreed to.

Thereupon, pending third reading of the bill, Senator Bray moved that the bill be amended as follows:

In Sec. 16b, Act 250 exemption requirements, by inserting and 10 V.S.A. § 6081(y) after “(3)(D)(viii)(III)”

Which was agreed to.

Thereupon, the bill was read the third time and passed, on a roll call, Yeas 27, Nays 2.

Senator Bray 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, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White.

**Those Senators who voted in the negative were:** Ingalls, Wrenner.

**The Senator absent and not voting was:** Williams.

#### **Bill Passed**

##### **S. 102.**

Senate bill of the following title was read the third time and passed:

An act relating to expanding employment protections and collective bargaining rights.

#### **Bill Amended; Third Reading Ordered**

##### **S. 115.**

Senate committee bill entitled:

An act relating to miscellaneous agricultural subjects.

Having appeared on the Calendar for notice for one day, was taken up.

Senator Bray, for the Committee on Finance, to which the bill was referred, reported the bill be amended as follows:

By striking out Secs. 8 and 9, municipal stormwater regulation of farms, in their entireties and inserting in lieu thereof the following:

Sec. 8. REPORT ON MUNICIPAL STORMWATER REGULATION OF FARMS

On or before December 1, 2023, the Commissioner of Environmental Conservation, after consultation with the Secretary of Agriculture, Food and Markets and with representatives of municipal stormwater utilities or regulators, shall submit to the Senate Committees on Agriculture and on Natural Resources and Energy and the House Committees on Agriculture, Food Resiliency, and Forestry and on Environment and Energy a report regarding the regulation by municipal stormwater entities of property subject to the Required Agricultural Practices. The report shall include:

(1) a recommendation regarding whether property subject to the Required Agricultural Practices should be subject to regulation by a municipal stormwater utility or other municipal stormwater entity;

(2) a recommendation regarding whether property subject to the Required Agricultural Practices should be required to pay an assessment or fee imposed by a municipal stormwater utility or other municipal stormwater entity;

(3) a recommendation whether property subject to the Required Agricultural Practices should receive an offset of any stormwater assessment or fee charged by a municipal stormwater utility or other municipal stormwater entity for the stormwater management practices that the property is required to conduct under State law;

(4) if the report recommends that property subject to the required agricultural practice should be subject to a stormwater fee, rate, or assessment, a recommendation on whether owners of property subject to the Required Agricultural Practices should be required to pay stormwater fees, rates, or assessments for the period of suspension under Sec. 2 of this act; and

(5) any other recommendation that the Commissioner determines is relevant to municipal stormwater regulation of properties subject to the Required Agricultural Practices, including any proposed legislative changes.

Sec. 9. SUSPENSION OF MUNICIPAL STORMWATER FEES ON PROPERTY SUBJECT TO THE REQUIRED AGRICULTURAL PRACTICES

Between the effective date of this act and July 1, 2024, a municipal stormwater utility or other municipal entity that regulates stormwater runoff shall not assess a fee, rate, or other assessment under 24 V.S.A. chapters 97, 101, or 105 or any other authority on stormwater from or impervious surface on a property subject to the Required Agricultural Practices.

And that when so amended the bill ought to pass.

Which was agreed to.

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.

### **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. Marcotte and others,

By Senator Kitchel,

#### **H.C.R. 71.**

House concurrent resolution recognizing the economic significance of Benefit Corporations in Vermont.

By Reps. Brumsted and others,

#### **H.C.R. 72.**

House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2023 Youth of the Year honorees.

By Reps. Burditt and others,

By Senators Collamore, Weeks and Williams,

#### **H.C.R. 73.**

House concurrent resolution congratulating the West Rutland High School Golden Horde girls' basketball team on winning a second consecutive Division IV championship.

---

By Reps. Morrissey and others,  
By Senators Campion and Sears,

**H.C.R. 74.**

House concurrent resolution congratulating former Mt. Anthony Union High School Patriots' basketball coach Dave Fredrickson on his induction into the Vermont Sports Hall of Fame.

By Reps. Morrissey and others,  
By Senators Campion and Sears,

**H.C.R. 75.**

House concurrent resolution congratulating the Mt. Anthony Union High School Patriots on winning a second consecutive Division I boys Nordic skiing championship.

By Rep. Noyes,  
By Senator Brock,

**H.C.R. 76.**

House concurrent resolution designating April 6, 2023 as Alzheimer's Awareness Day at the State House.

By Reps. Morrissey and others,  
By Senators Campion and Sears,

**H.C.R. 77.**

House concurrent resolution congratulating the 2023 Mt. Anthony Union High School Patriots on winning their 34th consecutive State wrestling championship.

By Reps. Williams and others,

**H.C.R. 78.**

House concurrent resolution commemorating the bicentennial of the establishment of Concord Academy.

By Reps. Rachelson and others,

**H.C.R. 79.**

House concurrent resolution recognizing April 5, 2023 as Start by Believing Day in Vermont.



By Reps. Burke and others,

**H.C.R. 80.**

House concurrent resolution congratulating Cersosimo Industries Inc. on its 75th anniversary.

By Reps. Cina and others,

**H.C.R. 81.**

House concurrent resolution designating April 4, 2023 as Youth and Young Adult Mental Health Day in Vermont.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, April 4, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 21.