

# Senate Calendar

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THURSDAY, FEBRUARY 16, 2023  
SENATE CONVENES AT: 1:00 P.M.

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## TABLE OF CONTENTS

Page No.

### ACTION CALENDAR

#### NEW BUSINESS

##### Second Reading

##### Favorable with Recommendation of Amendment

<b>S. 3</b> An act relating to prohibiting paramilitary training camps Judiciary Report - Sen. Baruth .....	44
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### NOTICE CALENDAR

##### Second Reading

##### Favorable with Proposal of Amendment

<b>H. 145</b> An act relating to fiscal year 2023 budget adjustments Appropriations Report - Sen. Kitchel .....	46
--	----

### CONCURRENT RESOLUTIONS FOR NOTICE

<b>H.C.R. 31 - 36</b> (For text of Resolutions, see Addendum to House Calendar for February 16, 2023).....	47
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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**NEW BUSINESS**

**Second Reading**

**Favorable with Recommendation of Amendment**

**S. 3.**

An act relating to prohibiting paramilitary training camps.

**Reported favorably with recommendation of amendment by Senator Baruth for the Committee on Judiciary.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 85 is amended to read:

CHAPTER 85. WEAPONS

\* \* \*

Subchapter 3. Unauthorized Military Training

§ 4071. PARAMILITARY TRAINING PROHIBITED

(a) A person shall not:

(1) teach, train, or demonstrate to any other person the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or in techniques capable of causing injury or death to persons, if the person knows or reasonably should know that the teaching, training, or demonstrating will be unlawfully employed for use in or in furtherance of a civil disorder; or

(2) assemble with one or more other persons for the purpose of being taught, trained, or instructed in the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or in techniques capable of causing injury or death to persons, if the person knows or reasonably should know that the teaching, training, or instruction will be unlawfully employed for use in or in furtherance of a civil disorder.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$5,000.00, or both.

(c) This section shall not apply to:

(1) activity engaged in for legitimate law enforcement purposes by a federal law enforcement officer or a law enforcement officer certified as a law enforcement officer by the Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2358;

(2) lawful activity engaged in by students at Norwich University or any other educational institution where military science is taught as a prescribed part of the course of instruction;

(3) any activity undertaken without knowledge of or intent to cause or further a civil disorder that is intended to teach or practice self-defense or self-defense techniques, including karate clubs, self-defense clinics, and similar lawful activity;

(4) any facility, program, or lawful activity related to firearms instruction and training that is intended to teach the safe handling and use of firearms; or

(5) any lawful sports or activities related to the individual recreational use of possession of firearms, including hunting pursuant to 10 V.S.A. part 4, target shooting, self-defense, and firearms collection.

#### § 4072. DEFINITIONS

As used in this chapter:

(1) “Civil disorder” means any public disturbance involving acts of violence by an assemblage of two or more persons that causes an immediate danger of or results in damage or injury to the property or person of any other individual.

(2) “Explosive” has the same meaning as in subdivision 1603(2) of this title.

(3) “Firearm” has the same meaning as in subdivision 4016(a)(3) of this title.

(4) “Incendiary device” means a device so constructed that an ignition by fire, friction, concussion, detonation, or other method may produce destructive effects primarily through combustion rather than explosion. The term does not include a manufactured device or article in common use by the general public that is designed to produce combustion for a lawful purpose, including matches, lighters, flares, or devices commercially manufactured primarily for the purpose of illumination, heating, or cooking. The term does not include firearms ammunition.

§ 4073. CIVIL ENFORCEMENT; INJUNCTIVE RELIEF

If the Attorney General or a State's Attorney has reason to believe that a person is violating or is about to violate section 4071 of this title, and that proceedings would be in the public interest, the Attorney General or State's Attorney may bring an action in the name of the State in the Civil Division of the Superior Court to restrain the violation by temporary or permanent injunction. The action shall be brought in the Superior Court of the county in which the person resides, has a place of business, or is doing business. The courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of section 4071 of this title.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

**NOTICE CALENDAR**

**Second Reading**

**Favorable with Proposal of Amendment**

**H. 145.**

An act relating to fiscal year 2023 budget adjustments.

**Reported favorably with recommendation of proposal of amendment by Senator Kitchel for the Committee on Appropriations.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

(For text of Report of Committee on Appropriations, see Addendum to Senate Calendar for February 16, 2023)

(Committee vote: 7-0-0)

(For House amendments, see House Journal for February 2, 2023, page 117.)

**CONCURRENT RESOLUTIONS FOR NOTICE**

**Concurrent Resolutions For Notice Under Joint Rule 16**

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session of the next

legislative day. Requests for floor consideration should be communicated to the Secretary's Office.

**H.C.R. 31 - 36** (For text of Resolutions, see Addendum to House Calendar for February 16, 2023)

### CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Kyle Harris of Roxbury - Member of the Cannabis Control Board - By Senator Watson for the Committee on Government Operations. (2/8/23)

June Heston of Richmond - Member of the State Police Advisory Commission - By Senator White for the Committee on Government Operations. (2/8/23)

Glenn Boyde of Colchester - Member of the State Police Advisory Committee - By Senator Vyhovsky for the Committee on Government Operations. (2/8/23)

John Filipek (Ret.) of Jericho - Member of the State Police Advisory Committee - By Senator Norris for the Committee on Government Operations. (2/8/23)

Kevin Gaffney of Jericho - Commissioner of the Department of Financial Regulation - By Senator Cummings for the Committee on Finance. (2/8/23)

Jennifer L. Barrett of Newport - Superior Court Judge - By Senator Sears for the Committee on Judiciary. (2/15/23)

Nathan Besio of Colchester - Member of the Vermont Human Rights Commission - By Senator Vyhovsky for the Committee on Judiciary. (2/15/23)

Jireh Billings of Bridgewater - Member of the Capitol Complex Commission - By Senator Wrenner for the Committee on Institutions. (2/15/23)

Francis Heald of Rutland – Member of the Travel Information Council – By Senator Ingalls for the Committee on Transportation (2/17/23)

Elizabeth Kennett of Rochester – Member of the Travel Information Council – By Senator Ingalls for the Committee on Transportation (2/17/23)

John LaBarge of South Hero – Member of the Travel Information Council – By Senator Ingalls for the Committee on Transportation (2/17/23)

### **PUBLIC HEARINGS**

**February 16, 2023 - 5:00 P.M. - 109 State Street, Room 267 - Re: Housing - Senate Economic Development, Housing and General Affairs and House Committee on General and Housing.**

### **NOTICE OF JOINT ASSEMBLY**

**February 16, 2023 - 10:30 A.M. – House Chamber - Election of a Sergeant at Arms, and three (3) trustees for the University of Vermont and State Agricultural College.**

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

### **JFO NOTICE**

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3):

**JFO #3136:** \$5,000,000.00 to the Agency of Administration, Public Service Department, VT Community Broadband Board (VCBB) from the National Telecommunications and Information Administration, Broadband Equity, Access and Deployment Program to deliver broadband to unserved and underserved areas in Vermont. This is a 5-year grant and will fill in the technical gaps existing in the VCBB’s program of broadband deployment.

*[Received 1/23/2023]*

**JFO #3137:** One (1) limited-service position to the Vermont Department of Health, Senior Health Asbestos and Lead Engineer, to perform senior professional level work to educate, advise on and enforce Vermont asbestos and lead control regulations. The position is funded through 9/30/2024 through an existing Environmental Protection Agency grant.

*[Received 1/23/2023]*

**JFO #3138:** One (1) limited-service position, Statewide Grants Administrator, to the Agency of Administration, Department of Finance and Management to cover increased grant activity due to the Covid-19 pandemic. The position is funded through Act 185 of 2022. Sec G.801 of the Act appropriates ARPA funds for administrative costs related to the pandemic. This position is funded through 12/31/2026.

*[Received 2/9/2023]*

## **FOR INFORMATION ONLY**

### **CROSSOVER DATES**

The Joint Rules Committee established the following crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 17, 2023**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by **Friday, March 17, 2023**.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 24, 2023**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

**Note:** The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

**Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills)**