

# Journal of the Senate

THURSDAY, JANUARY 31, 2019

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Deborah McKinley of East Craftsbury.

## Joint Resolutions Placed on Calendar

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

By Senator Ashe,

**J.R.S. 10.** Joint resolution providing for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

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

That the two Houses meet in Joint Assembly on Thursday, February 21, 2019, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

By Senator Ashe,

**J.R.S. 11.** Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2019.

*Whereas*, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

*Whereas*, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

*Whereas*, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

*Whereas*, if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

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

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 21, 2019, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

Thereupon, in the discretion of the President, under Rule 51, the joint resolutions were severally placed on the Calendar for action tomorrow.

**Bills Introduced**

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

**S. 63.**

By Senators Sears and Campion,

An act relating to expanding dual enrollment to students who attend schools outside of Vermont.

To the Committee on Education.

**S. 64.**

By Senator Westman,

An act relating to presuit mediation of disputes related to access to landlocked property.

To the Committee on Judiciary.

**S. 65.**

By Senators Lyons, Ingram and McCormack,  
An act relating to banning baby bumper pads.  
To the Committee on Health and Welfare.

**S. 66.**

By Senators Clarkson, Ingram, McCormack and Pollina,  
An act relating to fossil fuel infrastructure.  
To the Committee on Natural Resources and Energy.

**S. 67.**

By Senators Sirotkin, Brock and MacDonald,  
An act relating to the property transfer tax.  
To the Committee on Finance.

**S. 68.**

By Senators Ingram, Clarkson, Hardy and Pollina,  
An act relating to Indigenous Peoples' Day.  
To the Committee on Government Operations.

**Bill Amended; Third Reading Ordered****S. 14.**

Senator Westman, for the Committee on Health and Welfare, to which was referred Senate bill entitled:

An act relating to extending the moratorium on home health agency certificates of need.

Reported recommending that the bill be amended in Sec. 1, Sec. 2. CERTIFICATE OF NEED WORK GROUP; MORATORIUM, in subsection (d), by striking out the following: "2022" and inserting in lieu thereof the following: 2025

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.

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**Appointment of Senate Member to the Access Board**

Pursuant to the provisions of 20 V.S.A. § 2901, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Access Board for a term of two years:

Senator Benning, *ex officio*

**Appointment of Senate Member to Art in State Buildings Advisory Panel**

Pursuant to the provisions of 29 V.S.A. § 47, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Art in State Buildings Advisory Panel during this biennium:

Senator Hooker

**Appointment of Senate Member to the Barre Granite and Ethnic Culture Museum Steering Committee**

Pursuant to the provisions of Sec. 6(a)(7) of No. 233 of the Acts of 1994, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Barre Granite and Ethnic Culture Museum Steering Committee during this biennium:

Senator Benning, *ex officio*  
Senator Cummings  
Senator Perchlik  
Senator Pollina

**Appointment of Senate Member to the Building Bright Futures Council**

Pursuant to the provisions of 33 V.S.A. § 4602, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Building Bright Futures Council during this biennium:

Senator Westman

**Appointment of Senate Members to Committee to Oversee Planning and Design of the State House**

Pursuant to the provisions of Act No. 43, § 28(b) (Acts of 2005), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Committee to Oversee Planning and Design of the State House:

Senator Benning, *ex officio*  
Senator Rodgers, *ex officio*  
Senator Perchlik

**Appointment of Senate Members to Government Accountability  
Committee**

Pursuant to the provisions of Sec. 5(b) of No. 206 of the Acts of 2008, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Legislative Government Accountability for the current biennium:

Senator White  
Senator Collamore  
Senator Nitka  
Senator Brock

**Appointment of Senate Member to the Governor's Criminal Justice and  
Substance Abuse Cabinet**

Pursuant to the provisions of Executive Order No. 3-61, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator as a member of the Governor's Criminal Justice and Substance Abuse Cabinet during this biennium:

Senator Sears

**Appointment of Senate Member to Governor's Snowmobile Council**

Pursuant to the provisions of 23 V.S.A. § 3216, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Governor's Snowmobile Council for a term of two years:

Senator Kitchel

**Appointment of Senate Members to Green Mountain Care Board  
Nominating Committee**

Pursuant to the provisions of 18 V.S.A. § 9390, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Green Mountain Care Board Nominating Committee, for a term of two years:

Senator Pearson  
Senator Lyons

**Appointment of Senate Members to Health Reform Oversight Committee**

Pursuant to the provisions of Act No. 179, Sec. E 306.3 (2014), the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Health Reform Oversight Committee:

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Senator Kitchel  
Senator Cummings  
Senator Lyons  
Senator Westman

**Appointment of Senate Member to Human Services and Educational  
Facilities Grant Advisory Committee**

Pursuant to the provisions of 24 V.S.A. § 5606, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Human Services and Educational Facilities Grant Advisory Committee:

Senator Hooker

**Appointment of Senate Members to the Joint Committee on Judicial  
Retention**

Pursuant to the provisions of 4 V.S.A. § 607, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Committee on Judicial Retention during this biennium:

Senator Nitka  
Senator Hardy  
Senator Benning  
Senator McCormack

**Appointment of Senate Members to the Joint Information Technology  
Oversight Committee**

Pursuant to the provisions of 2 V.S.A. § 614(b)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Information Technology Oversight Committee during this biennium:

Senator Brock  
Senator Pearson  
Senator Kitchel

**Message from the House No. 8**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

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

**J.R.S. 9.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until eleven o'clock and thirty minutes in the morning.