

# **Journal of the Senate of the STATE OF VERMONT ADJOURNED SESSION, 2020**

---

**TUESDAY, JANUARY 7, 2020**

Pursuant to the provisions of the 2019 final adjournment joint resolution of the two Houses (J.R.H. 6), the Senate convened at the State House at Montpelier, on Tuesday, the seventh day of January, two thousand twenty.

At ten o'clock in the forenoon, Eastern Standard Time, the Senate was called to order by the President, Lieutenant Governor David E. Zuckerman.

## **Devotional Exercises**

Devotional exercises were conducted by the Reverend Dr. Joseph Bruchac and Jesse Bruchac of Greenfield Center, New York.

## **Pledge of Allegiance**

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

## **Appointment**

The President announced the appointment of

## **DEBORAH WOLF**

of North Middlesex, as his Chief of Staff.

## **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 Ashe,

**J.R.S. 29.** Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

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

That the two Houses meet in Joint Assembly on Thursday, January 9, 2020, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor.

By Senator Kitchel,

**J.R.S. 30.** 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 Tuesday, January 21, 2020, at two o'clock in the afternoon to receive the budget message of the Governor.

By Senator Ashe,

**J.R.S. 31.** Joint resolution relating to Town Meeting adjournment.

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

That when the two Houses adjourn on Friday, February 28, 2020, or Saturday, February 29, 2020, it be to meet again no later than Tuesday, March 10, 2020.

By Senator Ashe,

**J.R.S. 32.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, January 10, 2020, it be to meet again no later than Tuesday, January 14, 2020.

**Message from the Governor  
Appointments Referred**

A message was received from the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

The nomination of

Fallar, Gail of Tinmouth - Member of the Current Use Advisory Board - from July 1, 2019, to February 28, 2022.

To the Committee on Natural Resources and Energy.

The nomination of

Marvin, Emma of Hyde Park - Member of the Vermont Economic Progress Council - from July 1, 2019, to March 31, 2023.

---

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Sullivan, Megan of Jericho - Executive Director of the Vermont Economic Progress Council, - from July 1, 2019, to March 31, 2023.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Shippee, Rhonda of Morgan - Member of the Vermont Economic Development Authority, - from July 1, 2019, to June 30, 2024.

To the Committee on Finance.

The nomination of

Gagner, Andrea of St. Albans - Member of the Vermont Economic Development Authority - from August 12, 2019, to June 30, 2025.

To the Committee on Finance.

The nomination of

Hanford, Joshua C. of Randolph - Commissioner of the Department of Housing and Community Development - from August 13, 2019, to February 28, 2021.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Nyquist, Bruce of Orange - Member of the Travel Information Council - from August 15, 2019, to August 28, 2021.

To the Committee on Transportation.

The nomination of

Tandoh, Margaret of South Burlington - Member of the Board of Medical Practice - from August 15, 2019 to December 31, 2023.

To the Committee on Health and Welfare.

The nomination of

Brochu, Sabina of Williston - Member of the State Board of Education - from August 21, 2019 to June 30, 2021.

To the Committee on Education.

The nomination of

Bernstein, Richard of Jericho - Member of the Board of Medical Practice - from September 1, 2019 to December 31, 2023.

To the Committee on Health and Welfare.

The nomination of

Kurrle, Lindsay H. of Middlesex - Secretary of the Agency of Commerce and Community Development - from September 3, 2019 to February 28, 2021.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Schirling, Michael of Burlington - Commissioner of the Department of Public Safety - from September 3, 2019, to February 28, 2023.

To the Committee on Transportation.

The nomination of

Warren, Lisa Anne of Waterford - Superior Judge - from October 25, 2019 to March 31, 2024.

To the Committee on Judiciary.

The nomination of

Smith, Michael K. of Westford - Secretary of the Agency of Human Services - from October 28, 2019 to February 28, 2021.

To the Committee on Health and Welfare.

The nomination of

McDonald-Cady, Kerry Ann of East Dover - Superior Judge - from October 30, 2019 to March 31, 2022.

To the Committee on Judiciary.

The nomination of

Park, Richard of Williston - Member of the State Labor Relations Board - from September 1, 2019 to June 30, 2025.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Cohen, William D. of North Clarendon - Associate Justice of the Supreme Court - from December 19, 2019 to March 31, 2023.

To the Committee on Judiciary.

The nomination of

Lavoie, Kathy La Belle of Swanton - Member of the State Board of Education - from November 18, 2019 to February 28, 2021.

To the Committee on Education.

### **Bills Referred**

Pursuant to Temporary Rule 44A the following bills having failed to meet cross-over and being referred to the Committee on Rules were referred to their respective committees of jurisdictions:

**H. 143.** An act relating to appointing town agents.

To the Committee on Government Operations.

**H. 207.** An act relating to approval of an amendment to the charter of the City of Montpelier regarding non-citizen voting in City elections.

To the Committee on Government Operations.

**H. 342.** An act relating to qualification for a public defender.

To the Committee on Judiciary.

**H. 550.** An act relating to unclaimed property.

To the Committee on Government Operations.

### **Bills Introduced**

On motion of Senator Ashe, the rules were suspended so that all Senate bills being introduced and read for the first time today be read by number only.

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

#### **S. 179.**

By Senators Hooker, Campion, Collamore, Ingram, Lyons, McCormack and Sears,

An act relating to the calculation of income for purposes of the homestead property tax income sensitivity adjustment and renter rebate.

To the Committee on Finance.

#### **S. 180.**

By Senator Ashe,

An act relating to prohibiting the use and application of the pesticide chlorpyrifos.

To the Committee on Agriculture.

**S. 181.**

By Senators Sears, Lyons and Ingram,

An act relating to access to employee restrooms for individuals living with an inflammatory bowel disease.

To the Committee on Health and Welfare.

**S. 182.**

By Senator White,

An act relating to a plan to elevate the Department of Public Safety to the Agency of Public Safety.

To the Committee on Government Operations.

**S. 183.**

By Senators Sears, Lyons and Clarkson,

An act relating to competency to stand trial and insanity as a defense.

To the Committee on Judiciary.

**S. 184.**

By Senators Lyons and Sears,

An act relating to supportive youth programming.

To the Committee on Health and Welfare.

**S. 185.**

By Senators Lyons and McCormack,

An act relating to the adoption of a climate change response plan.

To the Committee on Health and Welfare.

**S. 186.**

By Senator White,

An act relating to bonded officials.

To the Committee on Government Operations.

---

**S. 187.**

By Senators Ashe and Lyons,

An act relating to transient occupancy for health care treatment and recovery.

To the Committee on Economic Development, Housing and General Affairs.

**S. 188.**

By Senator Rodgers,

An act relating to the effect of unlawful killing on probate inheritance procedures.

To the Committee on Judiciary.

**S. 189.**

By Senators Ingram, Hooker, Lyons and Perchlik,

An act relating to survivor benefits for public employees.

To the Committee on Government Operations.

**S. 190.**

By Senators Kitchel, Benning and Starr,

An act relating to the Standard Offer Program.

To the Committee on Finance.

**S. 191.**

By Senator Cummings,

An act relating to tax increment financing districts.

To the Committee on Finance.

**S. 192.**

By Senators McCormack, Champion, Clarkson and Lyons,

An act relating to prohibiting the use of the herbicide glyphosate.

To the Committee on Agriculture.

**S. 193.**

By Senator Ashe,

An act relating to penalties for violations of E-911 outage reporting rules.

To the Committee on Finance.

**S. 194.**

By Senator Rodgers,

An act relating to standards for the sale of hemp seeds.

To the Committee on Agriculture.

**S. 195.**

By Senator Cummings,

An act relating to taxation of smokable hemp products.

To the Committee on Economic Development, Housing and General Affairs.

**S. 196.**

By Senators Ingram and Hooker,

An act relating to obtaining a relief from abuse order based upon psychological abuse.

To the Committee on Judiciary.

**S. 197.**

By Senator Ingram,

An act relating to prohibiting discrimination based on genetic information.

To the Committee on Economic Development, Housing and General Affairs.

**S. 198.**

By Senator Pollina,

An act relating to an enforceable State Code of Ethics.

To the Committee on Government Operations.

**S. 199.**

By Senators Benning, Bray, Lyons and MacDonald,

An act relating to authorizing the natural organic reduction of human remains.

To the Committee on Health and Welfare.

**S. 200.**

By Senator Starr,



---

An act relating to the definition of housesite for use value appraisals.

To the Committee on Finance.

**S. 201.**

By Senator Rodgers,

An act relating to greenhouse gas emissions.

To the Committee on Natural Resources and Energy.

**S. 202.**

By Senators Lyons, Sirotkin and Ashe,

An act relating to limiting the co-payment amount for chiropractic services in certain health insurance plans.

To the Committee on Finance.

**S. 203.**

By Senators Benning, Collamore, Rodgers, Starr and White,

An act relating to motorcycle helmets.

To the Committee on Transportation.

**S. 204.**

By Senator Kitchel,

An act relating to proof of certificate of snowmobile education.

To the Committee on Transportation.

**S. 205.**

By Senator Sears,

An act relating to criminal and civil surcharges.

To the Committee on Judiciary.

**S. 206.**

By Senator Starr,

An act relating to the sale of non-meat items labeled as meat.

To the Committee on Agriculture.

**S. 207.**

By Senator Starr,

An act relating to the sale or distribution of milk and dairy products.

To the Committee on Agriculture.

**S. 208.**

By Senator Starr,

An act relating to the standards for the intrastate sale of milk.

To the Committee on Agriculture.

**S. 209.**

By Senator Starr,

An act relating to the bonding requirements for milk handlers.

To the Committee on Agriculture.

**S. 210.**

By Senators Rodgers and Pearson,

An act relating to possession with intent to sell or dispense regulated drugs.

To the Committee on Judiciary.

**S. 211.**

By Senator Sears,

An act relating to Department of Corrections authority and responsibility for furloughees and for housing young offenders.

To the Committee on Judiciary.

**S. 212.**

By Senator Rodgers,

An act relating to prohibiting the possession of cell phones by persons under 21 years of age.

To the Committee on Judiciary.

**S. 213.**

By Senators Sears and Sirotkin,

An act relating to sports wagering.

To the Committee on Economic Development, Housing and General Affairs.

**S. 214.**

By Senator Rodgers,

---

An act relating to regulation of the cultivation and sale of cannabis.

To the Committee on Agriculture.

**S. 215.**

By Senator Rodgers,

An act relating to the use of State fishing access areas.

To the Committee on Natural Resources and Energy.

**S. 216.**

By Senators Pollina and Perchlik,

An act relating to allowing large municipal employers to provide Exchange and reflective health benefit plans to their employees.

To the Committee on Finance.

**S. 217.**

By Senator Sears,

An act relating to human trafficking and prostitution.

To the Committee on Judiciary.

**S. 218.**

By Senator Lyons,

An act relating to the Department of Mental Health's Ten-Year Plan.

To the Committee on Health and Welfare.

**S. 219.**

By Senator Baruth,

An act relating to requiring law enforcement to comply with race data reporting requirements in order to receive State grant funding.

To the Committee on Appropriations.

**S. 220.**

By Senators White, Ashe, Bray, Clarkson, Pearson, Perchlik and Pollina,

An act relating to educating specified professionals on the State's energy goals.

To the Committee on Government Operations.

**S. 221.**

By Senator Rodgers,

An act relating to transferring regulation of aquatic nuisance control to the Department of Fish and Wildlife.

To the Committee on Natural Resources and Energy.

**S. 222.**

By Senators Lyons and MacDonald,

An act relating to establishing quarantine procedures for unimmunized dogs.

To the Committee on Health and Welfare.

**S. 223.**

By Senators Ingram, Pearson, Starr and Westman,

An act relating to universal school breakfast and lunch for all public school students.

To the Committee on Education.

**S. 224.**

By Senators Ingram and Hooker,

An act relating to evidence-based structured literacy instruction for students in kindergarten–grade 3 and students with dyslexia and to teacher preparation programs.

To the Committee on Education.

**S. 225.**

By Senators Lyons and McCormack,

An act relating to regional planning commission involvement in identifying health care-related needs.

To the Committee on Natural Resources and Energy.

**S. 226.**

By Senator Perchlik,

An act relating to statewide public school employee health benefits.

To the Committee on Education.

---

**S. 227.**

By Senator Bray,

An act relating to the provision of personal care products by lodging establishments.

To the Committee on Natural Resources and Energy.

**S. 228.**

By Senator White,

An act relating to the authorized professional use of regulated drugs.

To the Committee on Health and Welfare.

**S. 229.**

By Senators Brock, Sirotkin and Ashe,

An act relating to controlling interests tax under the property transfer tax.

To the Committee on Finance.

**S. 230.**

By Senators Brock and Parent,

An act relating to a statewide policy on law enforcement confiscation of personal property.

To the Committee on Judiciary.

**S. 231.**

By Senator Clarkson,

An act relating to expanding apprenticeship opportunities.

To the Committee on Economic Development, Housing and General Affairs.

**S. 232.**

By Senator Sears,

An act relating to implementing the expansion of juvenile jurisdiction.

To the Committee on Judiciary.

**S. 233.**

By Senators Collamore, White and Clarkson,

An act relating to uniform licensing standards.

To the Committee on Government Operations.

**S. 234.**

By Senator Sears,

An act relating to miscellaneous judiciary procedures.

To the Committee on Judiciary.

**S. 235.**

By Senators Hooker, Westman, Balint, Brock, Clarkson, Sears and Sirotkin,

An act relating to low-alcohol spirits beverages.

To the Committee on Economic Development, Housing and General Affairs.

**S. 236.**

By Senators Brock and Parent,

An act relating to holding school districts accountable for deficiencies in their graduates in the subject areas of reading, writing, and mathematics.

To the Committee on Education.

**S. 237.**

By Senators Sirotkin, Clarkson, Balint and Hooker,

An act relating to promoting affordable housing.

To the Committee on Economic Development, Housing and General Affairs.

**S. 238.**

By Senator Clarkson,

An act relating to the use of green signal lamps on wreckers.

To the Committee on Transportation.

**S. 239.**

By Senator Clarkson,

An act relating to requirements for older drivers to renew operator's licenses.

To the Committee on Transportation.

**S. 240.**

By Senator Sirotkin,

An act relating to recruiting new remote workers and new relocating workers.

To the Committee on Economic Development, Housing and General Affairs.

**S. 241.**

By Senator Perchlik,

An act relating to motor vehicle manufacturers that sell directly to consumers.

To the Committee on Transportation.

**S. 242.**

By Senators Sirotkin, Lyons and White,

An act relating to funding to support a dental therapy laboratory at Vermont Technical College.

To the Committee on Education.

**Proposed Amendment to the Constitution Introduced**

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 7 was introduced, read the first time and referred:

By Senator Sears,

**PROPOSAL 7**

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to allow a court to hold a person accused of a violent misdemeanor or violent felony without bail when the evidence of guilt is great, the court finds that the person's release poses a substantial threat of physical violence to any person, and that no conditions of release will reasonably prevent the violence.

Sec. 2. Section 40 of Chapter II of the Vermont Constitution is amended to read:

§ 40. [EXCESSIVE BAIL PROHIBITED; PRISONERS BAILABLE; IMPRISONMENT FOR DEBT PROHIBITED]

Excessive bail shall not be exacted for bailable criminal offenses. All persons shall be bailable by sufficient sureties, except as follows:

(1) A person accused of ~~an~~ a criminal offense punishable by death or life imprisonment may be held without bail when the evidence of guilt is great.

(2) A person accused of a ~~felony~~ criminal offense, an element of which involves an act of violence against another person, may be held without bail when the evidence of guilt is great and the court finds, based upon clear and convincing evidence, that the person's release poses a substantial threat of physical violence to any person and that no condition or combination of conditions of release will reasonably prevent the physical violence. A person held without bail prior to trial under this paragraph shall be entitled to review de novo by a single justice of the Supreme Court forthwith.

(3) A person awaiting sentence, or sentenced pending appeal, may be held without bail for any criminal offense.

A person held without bail prior to trial shall be entitled to review of that determination by a panel of three Supreme Court Justices within seven days after bail is denied.

Except in the case of ~~an~~ a criminal offense punishable by death or life imprisonment, if a person is held without bail prior to trial, the trial of the person shall be commenced not more than 60 days after bail is denied. If the trial is not commenced within 60 days and the delay is not attributable to the defense, the court shall immediately schedule a bail hearing and shall set bail for the person.

No person shall be imprisoned for debt.

## Sec. 2. EFFECTIVE DATE

The amendment set forth in Sec. 1 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

To the Committee on Judiciary.

## **Adjournment**

On motion of Senator Ashe, the Senate adjourned until four o'clock in the afternoon on Wednesday, January 8, 2020.