

# Journal of the Senate

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WEDNESDAY, APRIL 8, 2020

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Reverend and Senator Deborah J. Ingram of Chittenden District.

## Pledge of Allegiance

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

## Senate Resolution Adopted

Senate resolution of the following title was offered and read:

By the Committee on Rules,

**S.R. 11.** Senate resolution relating to temporarily amending the rules of the Senate to include rules during Declared Emergencies.

*Whereas*, Vermont has been declared by the Governor to be in a State of Emergency as a result of a pandemic known as "COVID-19," and

*Whereas*, in order to curtail the spread of this pandemic and maintain the health and safety of Vermonters, the Governor has temporarily ordered citizens to separate and practice social distancing, and

*Whereas*, the Senate and its committees must be able to continue to meet, interview witnesses, debate, deliberate and vote to appropriately address the needs of the State of Vermont during this declared emergency, and

*Whereas*, technology exists which would enable the Senate to conduct its business remotely during this declared emergency in a manner that is consistent with public access to, and transparency of, its proceedings as demanded by the Vermont Constitution, *now therefore be it*

## ***Resolved by the Senate***

First, temporary Senate Rule 10A is added to read as follows:

**Rule 10A Rule Regarding Remote Meeting and Voting of the Senate during Declared Emergencies**

In the event the Governor issues a Declaration of Emergency, during the Declaration of Emergency:

(a) The Rules Committee may authorize that a session of the Senate during such declared emergency be concurrently conducted electronically at which one or more Senators may participate, debate, deliberate and vote in a meeting of the Senate from a remote location. If necessary, the Rules Committee may make this authorization remotely in conformance with this Rule.

(b) Each Senator voting remotely shall do so using both audio and video capability in a format approved by the Rules Committee in consultation with the General Assembly's Office of Information Technology.

(c) The format authorized by the Rules Committee for a session of the Senate shall enable public access in a manner consistent with Vermont's Constitution.

(d) A Senator participating remotely shall be considered present and in attendance at the meeting of the Senate, including for purposes of determining if a quorum is present. Both present and remotely connected Senators compliant with the terms of this Rule shall be counted towards a quorum of the whole.

(e) When a Senator participating remotely desires to address the Senate, the Senator shall notify the Presiding Officer through the electronic means used by the Senator to participate remotely. When recognized, the Presiding Officer shall announce the Senator and the Senator may speak through the same electronic means as if physically present on the Senate floor.

(f) To the extent practicable, a Senator participating remotely under this rule shall participate from the Senator's senatorial district.

(g) All business of the Senate conducted pursuant to Rule 10A shall be authorized by the Rules Committee in consultation with Committee chairs. No bill may be placed upon the Senate Calendar without prior approval of the Rules Committee.

(h) All votes taken during implementation of this Rule in which one or more Senators are participating remotely by electronic means shall be by roll call.

(i) This Temporary Rule 10A shall expire on the convening of the 2021 biennial session.

Second, temporary Senate Rule 32A is added to read as follows:

**Rule 32A Rule Regarding Remote Meeting and Voting of Senate Committees during Declared Emergencies**

In the event the Governor issues a Declaration of Emergency, during the Declaration of Emergency:

(a) The Rules Committee is vested with the authority to permit Senate committees (including itself) to meet and vote electronically as the Rules Committee determines appropriate. If necessary, the Rules Committee may make this authorization remotely in conformance with this Rule.

(b) In exercising its authority under section (a), the Rules Committee, to the extent applicable and practicable, shall include the provisions of Rule 10A in its authorizations.

(c) This Temporary Rule 32A shall expire on the convening of the 2021 biennial session.

Third, emergency temporary Rule 29A is deleted.

The resolution was adopted, on a roll call, Yeas 16, Nays 0.

Senator Benning having demanded the yeas and nays, they were taken and are as follows:

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Balint, Baruth, Benning, Bray, Campion, Clarkson, Collamore, Hardy, Ingram, Nitka, Parent, Pearson, Perchlik, Sears, Westman.

**Those Senators who voted in the negative were:** None.

**Those Senators absent and not voting were:** Brock, Cummings, Hooker, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Pollina, Rodgers, Sirotkin, Starr, White.

\*\*\*\*During debate of the measure, Senator Ashe addressed the Chair and on motion of Senator Westman, his remarks were ordered enter in the Journal, and are as follows:

“Mr. President:

“I want to acknowledge, in the interest of safety here in the Chamber, many Senators elected to view this remotely, knowing we had worked to create a consensus resolution. Their failure to be here for the roll call vote in no way reflects on their desire to participate, nor should indicate in any way that they did not fully participate in these proceedings, up until the point we voted, completely fulfilling their duties as Senators.”

#### **Adjournment**

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