

Journal of the Senate

FRIDAY, APRIL 10, 2020

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bill Amended; Third Reading Ordered

S. 114.

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to expungement of misdemeanor marijuana possession convictions.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. RENT ESCROW HEARINGS; TEMPORARY JUDICIAL DISCRETION FOR PAYMENT OF RENT INTO COURT

(a) As used in this section, “emergency period” means the period beginning with the Governor’s declaration of a state of emergency on March 13, 2020 arising from COVID-19 and ending 30 days after the Governor terminates the state of emergency by declaration.

(b) Notwithstanding 12 V.S.A. § 4853a(d), for any hearing on a motion to order a defendant to pay rent into court that occurs during the emergency period, the court may order full or partial payment into court of rent as it accrues while the proceeding is pending and rent accrued from the date of filing with the court the complaint for ejection or the date the summons and complaint for ejection were served on the tenant pursuant to Rule 3 of the Vermont Rules of Civil Procedure, whichever occurs first.

Sec. 2. 14 V.S.A. § 3503 is amended to read:

§ 3503. EXECUTION

(a) A power of attorney shall be signed by the principal in the presence of at least one witness and shall be acknowledged before a notary public, who shall be a person other than the witness.

* * *

(f)(1) During the period that the Emergency Administrative Rules for Remote Notarial Acts issued by the Vermont Secretary of State (the Emergency Rules) are in effect, the witness to a power of attorney signed in conformity with the Emergency Rules and pursuant to this section shall be considered to be in the presence of the principal whether or not the witness is physically present with the principal or the notary. A power of attorney executed pursuant to this subsection may be recorded in the land records.

(2) A power of attorney executed in compliance with the Emergency Rules shall be presumed to be valid if the notarial certificate attached to the power of attorney contains an affirmative statement of compliance with the Emergency Rules.

Sec. 3. 27 V.S.A. § 341 is amended to read:

§ 341. REQUIREMENTS GENERALLY; RECORDING

(a) Deeds and other conveyances of lands, or of an estate or interest therein, shall be signed by the party granting the same and acknowledged by the grantor before a notary public and recorded at length in the clerk's office of the town in which such lands lie. Such acknowledgment before a notary public shall be valid without an official stamp being affixed to his or her signature.

* * *

(d)(1) A deed or other instrument may be recorded in the land records pursuant to this section for the purposes provided in this chapter and shall be deemed to impart notice of its contents if it is signed and acknowledged in accordance with the procedures specified in the Emergency Administrative Rules for Remote Notarial Acts adopted by the Vermont Secretary of State (the Emergency Rules) during the period that the Emergency Rules are in effect.

(2) A deed or other instrument executed in compliance with the Emergency Rules shall be presumed to be valid if the notarial certificate attached to the deed or other instrument contains an affirmative statement of compliance with the Emergency Rules.

Sec. 4. Vermont Rule of Criminal Procedure 43 is amended to read:

RULE 43. PRESENCE OF THE DEFENDANT

(a) Presence Required. The defendant shall be present at the arraignment, at any subsequent time at which a plea is offered, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by this rule.

* * *

(d)(1) For purposes of this rule, a defendant shall be deemed to be present in court if:

(A) after having the opportunity to consult with counsel in person, telephonically, or via audio or video conference, the defendant makes an on-the-record waiver of the right to be physically present in court at the time of the proceeding; and

(B) the defendant's appearance at the proceeding is made by means of contemporaneous video or audio conference transmission.

(2) For purposes of this rule, the terms "audio conference" and "video conference" shall be defined as set forth in V.R.C.P. 43.1, Participation of Testimony by Video or Audio Conference.

Sec. 5. ADMINISTRATIVE ORDER NO. 49; JUDICIAL EMERGENCY RESPONSE; SUSPENSION AND EXTENSION OF STATUTORY TIME FRAMES FOR COURT PROCEEDINGS; STAY OF CIVIL SUSPENSIONS

Due to the COVID-19 public health emergency, Administrative Order No. 49, Declaration of Judicial Emergency and Changes to Court Procedures, was issued to postpone all nonemergency Superior Court and Judicial Bureau hearings. As a result, the General Assembly intends this section to temporarily suspend the time frames by which certain court proceedings are statutorily required to take place.

(1) Notwithstanding any provision of law to the contrary, for the duration of the time A.O. No. 49 is in effect, the statutory time frames for certain hearings or court proceedings shall be extended as follows:

(A) conditions of release review pursuant to 13 V.S.A. § 7554(d)(1) shall be held within seven days following application; and

(B) conditions of release review pursuant to 13 V.S.A. § 7554(d)(2) shall be held within 14 days following application.

(2) Notwithstanding any provision of law to the contrary, for the duration of the time A.O. No. 49 is in effect and 120 days after A.O. No. 49 is terminated, all statutory time frames for issuing orders to seal or expunge criminal history records or processing petitions to seal or expunge criminal history records pursuant to 13 V.S.A. chapter 230 are suspended.

(3) Notwithstanding any provision of law to the contrary, for the duration of time A.O. No. 49 is in effect, the statutory time frames for preliminary and merits hearings on civil suspension pursuant to 23 V.S.A. § 1205(g) and (h) are suspended, and the Superior Court shall not suspend or disqualify a person's driver's license or privilege to operate pursuant to

23 V.S.A. § 1205 until the civil suspension hearing on the merits is held.

Sec. 6. SUSPENSION OF STATUTES OF LIMITATIONS

Notwithstanding any provision of law to the contrary, all statutes of limitations or statutes of repose for commencing a civil action in Vermont that would otherwise expire during the duration of any state of emergency declared by the Governor arising from the spread of COVID-19 are tolled until 60 days after the Governor terminates the state of emergency by declaration.

Sec. 7. NOTARIZATION; ALTERNATIVE FILING REQUIREMENT

(a) As used in this section, “emergency period” means the period beginning with the Governor’s declaration of a state of emergency on March 13, 2020 arising from COVID-19 and ending 30 days after the Governor terminates the state of emergency by declaration.

(b) During the emergency period, notwithstanding 4 V.S.A. § 27b:

(1) A party may file any document that would otherwise require the approval or verification of a notary by filing the document with the following language inserted above the signature and date:

“I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I will be subject to the penalty of perjury or other sanctions in the discretion of the court.”

(2) A document filed pursuant to this subsection shall not require the approval or verification of a notary.

(c) This section shall not apply to an affidavit in support of a search warrant application or to an application for a nontestimonial identification order.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to the emergency judicial response to the COVID-19 public health emergency.

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 on a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Thereupon, third reading of the bill was ordered pursuant to Temporary Rule 10A on a roll call, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Bill Amended; Third Reading Ordered**S. 182.**

Senator White, for the Committee on Government Operations, to which was referred Senate bill entitled:

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

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. chapter 71 is amended to read:

CHAPTER 71. AMBULANCE SERVICES

Subchapter 1. Emergency Medical Services Districts

* * *

§ 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL SERVICES DISTRICTS

(a) It shall be the function of each emergency medical services district to foster and coordinate emergency medical services within the district, in the interest of affording adequate ambulance services within the district. Each emergency medical services district shall have powers ~~which~~ that include the power to:

* * *

(3) enter into agreements and contracts for furnishing technical, educational, and support services ~~and credentialing~~ related to the provision of emergency medical treatment;

* * *

(10) assist the Department of Health in a program of testing for licensure of emergency medical services personnel;

(11) ~~assure that each affiliated agency in the district has implemented a system for the credentialing of all its licensed emergency medical personnel; and [Repealed.]~~

(12) develop protocols for providing appropriate response times to requests for emergency medical services.

* * *

Subchapter 2. Licensing Operation of ~~Ambulance Service~~ Affiliated Agencies

* * *

§ 2682. POWERS OF STATE BOARD

(a) The State Board shall administer this subchapter and shall have power to:

* * *

(3) Make, adopt, amend, and revise, as it deems necessary or expedient, reasonable rules in order to promote and protect the health, safety, and welfare of members of the public using, served by, or in need of emergency medical treatment. Any rule may be repealed within 90 days of the date of its adoption by a majority vote of all the district boards. Such rules may cover or relate to:

(A) age, training, ~~credentialing~~, and physical requirements for emergency medical services personnel;

* * *

§ 2683. TERM OF LICENSE

Full licenses shall be issued on forms to be prescribed by the State Board for a period of ~~one year~~ three years beginning on January 1, or for the balance of any such year three-year period. Temporary, conditional, or provisional licenses may also be issued by the Board.

* * *

§ 2689. REIMBURSEMENT FOR AMBULANCE SERVICE PROVIDERS

(a)(1) When an ambulance service provides emergency medical treatment to a person who is insured by a health insurance policy, plan, or contract that provides benefits for emergency medical treatment, the health insurer shall reimburse the ambulance service directly, subject to the terms and conditions of the health insurance policy, plan, or contract.

(2) The Department of Financial Regulation shall enforce the provisions of this subsection.

(b) Nothing in this section shall be construed to interfere with coordination of benefits or to require a health insurer to provide coverage for services not otherwise covered under the insured's policy, plan, or contract.

(c) Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a nonparticipating ambulance service to establish rates of reimbursement for emergency medical treatment.

Sec. 2. DEPARTMENT OF FINANCIAL REGULATION; REPORT ON ENFORCEMENT OF HEALTH INSURER REIMBURSEMENTS TO AMBULANCE SERVICES

On or before January 15, 2021, the Department of Financial Regulation shall report to the Senate Committees on Government Operations and on Health and Welfare and the House Committees on Government Operations and on Health Care regarding its enforcement of 24 V.S.A. § 2689(a) (health insurers' direct reimbursement to ambulance services) as set forth in Sec. 1 of this act.

Sec. 3. 18 V.S.A. chapter 17 is amended to read:

CHAPTER 17. EMERGENCY MEDICAL SERVICES

§ 901. POLICY

It is the policy of the State of Vermont that all persons who suffer sudden and unexpected illness or injury should have access to the emergency medical services system in order to prevent loss of life or the aggravation of the illness or injury, and to alleviate suffering.

(1) The system should include competent emergency medical ~~care~~ treatment provided by adequately trained, licensed, ~~credentialed~~, and equipped personnel acting under appropriate medical control.

(2) Persons involved in the delivery of emergency medical care should be encouraged to maintain and advance their levels of training and licensure, and to upgrade the quality of their vehicles and equipment.

* * *

§ 903. AUTHORIZATION FOR PROVISION OF EMERGENCY
MEDICAL SERVICES

Notwithstanding any other provision of law, including provisions of 26 V.S.A. chapter 23, persons who are licensed and ~~credentialed~~ to provide emergency medical care treatment pursuant to the requirements of this chapter and ~~implementing regulations~~ the rules adopted under it are hereby authorized to provide such care without further certification, registration, or licensing.

* * *

§ 906. EMERGENCY MEDICAL SERVICES DIVISION;
RESPONSIBILITIES

To implement the policy of section 901 of this ~~title~~ chapter, the Department of Health shall be responsible for:

* * *

~~(4) Establishing by rule minimum standards for the credentialing of emergency medical personnel by their affiliated agency, which shall be required in addition to the licensing requirements of this chapter in order for a person to practice as an emergency medical provider. Credentialing shall consist of the minimum and appropriate requirements necessary to ensure that an emergency medical provider can demonstrate the competence and minimum skills necessary to practice within his or her scope of licensure. Any rule shall balance the need for documenting competency against the burden placed on rural or smaller volunteer squads with little or no administrative staff. [Repealed.]~~

* * *

(10) Establishing, by rule, license levels for emergency medical personnel. The Commissioner shall use the guidelines established by the National Highway Traffic Safety Administration (NHTSA) in the U.S. Department of Transportation as a standard or other comparable standards, except that a felony conviction shall not necessarily disqualify an applicant. The rules shall also provide that:

* * *

(B) An individual licensed by the Commissioner as an emergency medical technician, advanced emergency medical technician, or a paramedic, ~~who is credentialed by an affiliated agency~~, shall be able to practice fully within the scope of practice for such level of licensure as defined by NHTSA's National EMS Scope of Practice Model consistent with the license level of the

affiliated agency, and subject to the medical direction of the emergency medical services district medical advisor.

* * *

(E) An applicant who has served as a hospital corpsman or a medic in the U.S. Armed Forces, or who is licensed as a registered nurse or a physician assistant shall be granted a permanent waiver of the training requirements to become a licensed emergency medical technician, an advanced emergency medical technician, or a paramedic, provided the applicant passes the applicable examination approved by the Commissioner for that level of licensure ~~and further provided that the applicant is credentialed by an affiliated agency.~~

(F) An applicant who is registered on the National Registry of Emergency Medical Technicians as an emergency medical technician, an advanced emergency medical technician, or a paramedic shall be granted licensure as a Vermont emergency medical technician, an advanced emergency medical technician, or a paramedic without the need for further testing, provided he or she is ~~credentialed by an affiliated agency or is serving as a medic with the Vermont National Guard.~~

* * *

§ 909. EMS ADVISORY COMMITTEE

(a) The Commissioner shall establish ~~an advisory committee~~ the Emergency Medical Services Advisory Committee to advise on matters relating to the delivery of emergency medical services (EMS) in Vermont.

(b) ~~The Emergency Medical Services Advisory Committee~~ shall include the following members:

* * *

(e) ~~Beginning Annually, on or before January 1, 2019,~~ the Committee shall report ~~annually on the emergency medical services~~ EMS system to the House Committees on Government Operations, on Commerce and Economic Development, and on Human Services and to the Senate Committees on Government Operations, on Economic Development, Housing and General Affairs, and on Health and Welfare. The Committee's reports shall include information on the following:

* * *

(5) funding mechanisms and funding gaps for EMS personnel and providers across the State, including for the funding of infrastructure, equipment, and operations and costs associated with initial and continuing

training, and licensure, and credentialing of personnel;

* * *

(8) how the current system of preparing and licensing EMS personnel could be improved, including the role of Vermont Technical College's EMS program; whether the State should create an EMS academy; and how such an EMS academy should be structured; and

(9) how EMS instructor training and licensing could be improved; and

(10) ~~the impact of the State's credentialing requirements for EMS personnel on EMS providers.~~

Sec. 4. DEPARTMENT OF PUBLIC SAFETY; ELECTRICIANS' LICENSING BOARD; PLUMBERS' EXAMINING BOARD; TEMPORARY LICENSE EXTENSION AND LATE FEE WAIVER

Notwithstanding the provisions of 26 V.S.A. §§ 908 (electricians) and 2195 (plumbers) regulating the renewal of licenses by the Electricians' Licensing Board and Plumbers' Examining Board, all electrician and plumber licenses that were due to expire between March 30, 2020 and September 30, 2020 shall remain valid and be deemed to expire on September 30, 2020, and any associated late fees for renewal that would have applied during that time frame shall be waived.

Sec. 5. COVID-19 STATE OF EMERGENCY; COUNTY RESERVE FUNDS; COUNTY SHERIFFS; FUNDING OF EMERGENCY NEEDS

(a) Funding.

(1) To support the emergency needs of sheriffs due to the State's COVID-19 response, a county's reserve funds described in 24 V.S.A. § 133(e) shall be allowed to be used for the emergency needs of the county sheriff. "Emergency needs" means the needs to respond to COVID-19 and includes hiring deputies, dispatchers, and other personnel and purchasing equipment and supplies.

(2) The funding of these emergency needs under this subsection shall be in addition to the support of the sheriff's department set forth in 24 V.S.A. § 73.

(b) Application for reimbursement. Any sheriff who receives county reserve funds for emergency needs under subsection (a) of this section shall apply to the Federal Emergency Management Agency (FEMA) and any other applicable resources for COVID-19 relief known to the sheriff for any allowable reimbursement.

(c) Sunset. This section shall be repealed two weeks after the day the Governor terminates the state of emergency for the State of Vermont in response to COVID-19.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to government operations regarding emergency medical services and public safety in response to COVID-19.

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, and pending the question, Shall the bill be amended as recommended by the Committee on Government Operations?, Senators White, Bray, Clarkson, Collamore and Pollina moved to amend the recommendation of amendment of the Committee on Government Operations by striking out in its entirety Sec. 5 (sheriff emergency needs funding) and inserting in lieu thereof a new Sec. 5 to read:

Sec. 5. COVID-19 STATE OF EMERGENCY; COUNTY RESERVE FUNDS; COUNTY SHERIFFS; FUNDING OF EMERGENCY NEEDS

(a) Funding.

(1) To support the emergency needs of sheriffs due to the State's COVID-19 response, a county's operations reserve funds and capital reserve funds described in 24 V.S.A. § 133(e) may be allowed to be used for the emergency needs of the county sheriff subject to the approval of the assistant judges. "Emergency needs" means the needs to respond to COVID-19 and includes hiring deputies, dispatchers, and other personnel and purchasing equipment and supplies.

(2) The funding of these emergency needs under this subsection shall be in addition to the support of the sheriff's department set forth in 24 V.S.A. § 73.

(b) Reimbursement.

(1) Any sheriff who receives county reserve funds for emergency needs under subsection (a) of this section shall apply to the Federal Emergency Management Agency (FEMA) and any other applicable resources for COVID-19 relief known to the sheriff for any allowable reimbursement.

(2) Within 30 days of receiving any such allowable reimbursement, the sheriff shall provide those funds to the county in order to reimburse the county for the funds allocated to the sheriff under subsection (a) of this section. A sheriff shall only be responsible for reimbursing the county an amount equal to the allowable reimbursement the sheriff received under subdivision (1) of this subsection.

(c) Sunset. This section shall be repealed two weeks after the day the Governor terminates the state of emergency for the State of Vermont in response to COVID-19.

Which was agreed to on a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Campion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Thereupon, the recommendation of amendment of the Committee on Government Operations, as amended, was agreed to on a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Campion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Thereupon, third reading of the bill was ordered on a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Campion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Bill Amended; Third Reading Ordered

S. 333.

Senator Sirotkin, for the Committee on Economic Development, Housing and General Affairs, to which was referred Senate bill entitled:

An act relating to expediting evictions for owner-occupied rental properties.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Ejectment and Foreclosure Actions; Moratoria * * *

Sec. 1. LANDLORDS AND TENANTS; HOUSING LENDERS;
TEMPORARY HOUSING-RELATED MORATORIA

(a) Definitions. As used in this section:

(1) “Emergency period” means the period beginning with the Governor’s declaration of a state of emergency on March 13, 2020, arising from COVID-19, and ending 30 days after the Governor terminates the state of emergency by declaration.

(2) “Ejectment” refers to an ejectment action brought under 9 V.S.A. chapter 137 and 12 V.S.A. chapter 169 against the tenant of a residential dwelling unit.

(3) “Foreclosure” refers to a foreclosure action brought under 12 V.S.A. chapter 172 against a dwelling house, as defined in 12 V.S.A. § 4931(2).

(b) Duties. This section does not:

(1) relieve a tenant of the obligation to pay rent pursuant to 9 V.S.A. § 4455;

(2) relieve a tenant in a pending ejectment action of the obligation to pay rent into court pursuant to an existing order under 12 V.S.A. § 4853a;

(3) relieve a borrower under a residential loan agreement of the obligation to make timely payments pursuant to the terms of the loan agreement; or

(4) limit a court’s ability to act in an emergency pursuant to Administrative Order 49, issued by the Vermont Supreme Court, as amended, which may include an action that involves criminal activity, illegal drug activity, or acts of violence, or other circumstances that seriously threaten the health or safety of other residents.

(c) Pending foreclosure and ejectment actions.

(1) Upon the effective date of this act, all pending actions for ejectment under 12 V.S.A. chapter 169, actions for foreclosure under 12 V.S.A. chapter 172, and any outstanding orders in those actions that could lead to execution of a writ of possession against a tenant or resident are stayed until the end of the emergency period.

(2) A court of this State, before which is any matter stayed pursuant to subdivision (1) of this subsection, shall issue any necessary orders and provide notice to the parties of the stay.

(d) New foreclosure and ejectment actions. During the emergency period, a landlord may commence an ejectment action pursuant to 9 V.S.A. chapter 137 and 12 V.S.A. chapter 169, and a residential mortgage lender may commence a foreclosure action pursuant to 12 V.S.A. chapter 172, subject to the following:

(1) The plaintiff may commence the action only by filing with the Civil Division of the Superior Court and not by service pursuant to V.R.C.P. 3.

(2) The court shall stay the action as of the date of filing until the end of the emergency period.

(3) The plaintiff shall not attempt to serve and a sheriff or constable shall not serve any civil process.

(4) The deadline for completing service of process pursuant to V.R.C.P. 3 is 60 days after the emergency period ends.

(e) Writs of possession not yet issued. During the emergency period, a court shall not issue a writ of possession:

(1) in an ejectment action:

(A) pursuant to 12 V.S.A. § 4853a(h) because a tenant failed to pay rent into court; or

(B) pursuant to 12 V.S.A. § 4854 if the court has entered a judgment in favor of the plaintiff but did not issue a writ of possession with the judgment; or

(2) in a strict foreclosure action pursuant to 12 V.S.A. § 4941(e) because the property is not redeemed; or

(3) in an action for foreclosure by judicial sale pursuant to 12 V.S.A. § 4946(d) upon expiration of all periods of redemption.

(f) Writs of possession already issued.

(1) A writ of possession that was issued by a court prior to the effective date of this act is stayed as of the start date of the emergency period and

resumes running when the Governor terminates the state of emergency by declaration.

(2) If a writ of possession was issued but not executed prior to the effective date of this act, then after the Governor terminates the state of emergency by declaration:

(A) the plaintiff shall serve or serve again the writ to the defendant; and

(B) the plaintiff shall be restored to possession not sooner than 14 days after service.

(g) Rent escrow hearings.

(1) For any hearing on a motion to order a defendant to pay rent into court that occurs within the first 45 days after the emergency period ends, if the court finds that the tenant is obligated to pay rent and has failed to do so, then notwithstanding 12 V.S.A. § 4853a(d), the court shall order the defendant to pay into court:

(A) rent as it accrues from the date of the order while the proceeding is pending; and

(B) rent accrued from:

(i) the date the motion was served, if the motion was served after the effective date of this act; or

(ii) the end of the emergency period, if the motion was served before the effective date of this act.

(2) The court may reduce the amount of rent the defendant must pay into court under this subsection after considering:

(A) the tenant's inability to pay due to circumstances arising in the emergency period; and

(B) whether the tenant made good faith attempts to secure available emergency rental payment funds.

(h) Resumption of actions for breach of rental agreement. Notwithstanding any provision of this act to the contrary, an ejectment action for breach of a rental agreement pursuant to 9 V.S.A. § 4467(b) may proceed in court when the Governor terminates the state of emergency by declaration.

(i) Notarization; alternative filing requirement. During the emergency period, in an ejectment action or foreclosure action, notwithstanding 4 V.S.A. § 27b:

(1) a party may file any document that would otherwise require the approval or verification of a notary by filing the document with the following language inserted above the signature and date: “I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I will be subject to the penalty of perjury or other sanctions in the discretion of the court.”

(2) a document filed pursuant to this subsection shall not require the approval or verification of a notary; and

(3) this subsection does not apply to an affidavit in support of a search warrant application or to an application for a nontestimonial identification order.

* * * Effective Date * * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to establishing a moratorium on ejectment and foreclosure actions during the COVID-19 emergency.

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, and pending the question, Shall the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs?, Senator Sirotkin moved to amend the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs in Sec. 1 by striking out subsection (i) in its entirety.

Which was agreed to on a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Thereupon, the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs, as amended, was agreed to on a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Campion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Thereupon, third reading of the bill was ordered on a roll call pursuant to Temporary Rule 10A, Yeas 29, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Campion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

The Senator absent and not voting was: McNeil.

Proposals of Amendment; Third Reading Ordered**H. 741.**

Senator Benning, for the Committee on Institutions, to which was referred House bill entitled:

An act relating to criminal record checks on contractors working in State-owned or -leased facilities.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 2, 20 V.S.A. § 2056i, by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

(e) Process for sending information. The Commissioner may inform the contractor in writing of the approved level of access granted for each person for which a record was obtained, but shall not reveal the content of the record to the contractor.

Second: In Sec. 2, 20 V.S.A. § 2056i, by striking out subsection (h) in its entirety and inserting in lieu thereof the following:

(h) Confidentiality. Criminal records and criminal record information received under this section are designated confidential unless, under subsection

(e) of this section, or State or federal law or regulation, the record or information may be disclosed to specifically designated persons.

Third: In Sec. 3, Effective Date, by striking out the following: “July 1, 2020” and inserting in lieu thereof the word passage

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposals of amendment were collectively agreed to, on a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Thereupon, third reading of the bill was ordered on a roll call, pursuant to Temporary Rule 10 A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Rules Suspended; Bills Placed in All Remaining Stages of Passage

On motion of Senator Ashe, the rules were suspended, and the following bills were severally ordered placed in all remaining stages of passage:

S. 114, S. 182, S. 333, H. 741.

On a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr,

Westman, White.

Those Senators who voted in the negative were: None.

Bill Passed

S. 114.

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

An act relating to expungement of misdemeanor marijuana.

On a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Bill Passed

S. 182.

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

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

On a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Bill Passed

S. 333.

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

An act relating to expediting evictions for owner-occupied rental properties.

On a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Bill Passed in Concurrence with Proposals of Amendment**H. 741.**

House bill of the following title was read the third time and passed in concurrence with proposals of amendment:

An act relating to criminal record checks on contractors working in State-owned or -leased facilities.

On a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Rules Suspended; Bills Messaged

On motion of Senator Ashe, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

S. 114, S. 182, S. 333, H. 741.

On a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Adjournment

On motion of Senator Ashe, the Senate adjourned until nine o'clock in the forenoon on Saturday, April 11, 2020 on a roll call pursuant to Temporary Rule 10A, Yeas 30, Nays 0.

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.