

Journal of the Senate

TUESDAY, MAY 5, 2020

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

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

Rules Suspended; Temporary Rule 10A(h)

On motion of Senator Ashe, Senate Temporary Rule 10A(h) was suspended, on a roll call, Yeas 27, Nays 0.

Roll Call

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

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Benning, Kitchel, Parent.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 50.

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Ashe,

J.R.S. 50. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday, May 7, 2020, or, Friday, May 8, 2020, it be to meet again no later than Tuesday, May 12, 2020.

Joint Senate Resolution Adopted on the Part of the Senate**J.R.S. 51.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Nitka

J.R.S. 51. Joint resolution to postpone the Joint Assembly to vote on the retention of five Superior Judges and one Environmental Judge.

Whereas, the Joint Assembly to vote on the retention of five Superior Judges and one Environmental Judge pursuant to J.R.S. 49 was scheduled for Friday, April 24, 2020; and

Whereas, it is critical to take steps to control outbreaks of COVID-19 to minimize the risk to the public, maintain the health and safety of Vermonters and limit the spread of infection in our community; and

Whereas, the COVID-19 pandemic requires the General Assembly, defer action on the retention of judges to a subsequent Joint Assembly, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, May 21, 2020, at ten o'clock and thirty minutes in the forenoon to vote on the retention of five Superior Judges and one Environmental Judge. In case the vote to retain said Judges 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 until the above is completed.

House Proposals of Amendment Concurred In; Rules Suspended; Bill Delivered**S. 333.**

House proposal of amendment to Senate bill entitled:

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

Were taken up.

The House proposes to the Senate to amend the bill as follows:

In Sec. 1:

First: By striking out subdivision (a)(3) in its entirety and inserting in lieu thereof a new subdivision (a)(3) to read:

(3)(A) “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), that is occupied.

(B) For purposes of this act, a dwelling house is deemed to be occupied unless all of the following are true:

(i) There are circumstances that would lead a reasonable person to believe that the dwelling house is not occupied as a full-time residence, including evidence that utilities are disconnected, mail is not being delivered, or the dwelling house is empty of necessary household furnishings.

(ii) The mortgage on the dwelling house is not current.

(iii) The mortgagee has made reasonable attempts to ascertain the mortgagor’s residence and has a reasonable belief that the dwelling house is no longer the mortgagor’s residence.

Second: In subdivision (a)(2) before the period by inserting , or under 10 V.S.A. chapter 153 against a mobile home park resident

Third: In subsection (d) following “During the emergency period,” by inserting after the effective date of this act,

Thereupon, the question, Shall the Senate concur in the House proposals of amendment?, was decided in the affirmative.

Thereupon, on motion of Senator Ashe, the rules were suspended and the bill was ordered delivered to the Governor forthwith.

Rules Suspended; Resolutions Messaged

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

J.R.S. 50, J.R.S. 51.

Adjournment

On motion of Senator Ashe, the Senate adjourned until nine o’clock and thirty minutes in the forenoon on Thursday, May 7, 2020.