

Journal of the Senate

FRIDAY, SEPTEMBER 11, 2020

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Roll Call

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Christopher A. Pearson
Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey. J. Parent
Grand Isle District	Senator Richard T. Mazza
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White

Windsor District

Senator Alison Clarkson
Senator Richard J. McCormack
Senator Alice W. Nitka

Message from the House No. 72

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 968. An act relating to the Vermont Coronavirus Economic Stimulus Equity Program.

In the passage of which the concurrence of the Senate is requested.

The House has considered joint resolutions originating in the Senate of the following titles:

J.R.S. 62. Joint resolution relating to weekend adjournment.

J.R.S. 63. Joint resolution scheduling the Joint Assembly to vote on the retention of six Superior Judges.

And has adopted the same in concurrence.

The House has considered Senate proposal of amendment to the following House bill:

H. 688. An act relating to addressing climate change.

And has severally concurred therein.

Bill Referred to Committee on Finance

H. 926.

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to changes to Act 250.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 354.

By the Committee on Government Operations,

An act relating to emergency provisions for the operation of government.

Bill Referred

House bill of the following title was read the first time and referred:

H. 968.

An act relating to the Vermont Coronavirus Economic Stimulus Equity Program.

To the Committee on Appropriations.

Proposal of Amendment; Third Reading Ordered**H. 880.**

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

An act relating to Abenaki place names on State park signs.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 2613 is added to read:

§ 2613. ABENAKI PLACE NAMES IN STATE PARKS

The Commissioner, before installing new signs or replacing existing signs in a State park, shall consult with the Vermont Commission on Native American Affairs to determine if there is an Abenaki name for any site within the park. If the Commission on Native American Affairs advises the Commissioner of an Abenaki name, the Abenaki name shall be displayed with the English name.

Sec. 2. LIST OF PLACES WITH ABENAKI NAMES

On or before March 15, 2021, the Vermont Commission on Native American Affairs shall prepare a list of places and landmarks with Abenaki names. If there are multiple names or spelling variations for a place, the Commission shall select a name or spelling to be used on signs in State parks. The Commission shall present the list to the Commissioner of Forests, Parks and Recreation in order to facilitate the construction of signs as required under 10 V.S.A. § 2613. The Commission shall also determine if there are sites outside of State parks with Abenaki names for which new signs should be considered.

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2021.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered**H. 962.**

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

An act relating to the duration of temporary relief from abuse orders.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

* * *

(b) Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall inform the defendant that if he or she fails to appear at the final hearing the temporary order will remain in effect until the final order is served on the defendant unless the temporary order is dismissed by the court. Every order issued under this section shall state upon its face a date, time, and place when the defendant may appear to petition the court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than 14 days from the date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving abuse by a preponderance of the evidence. If the court finds that the plaintiff has met his or her burden, it shall continue the order in effect and make such other order as it deems necessary to protect the plaintiff.

Sec. 2. 15 V.S.A. § 1105 is amended to read:

§ 1105. SERVICE

(a) A complaint or ex parte temporary order or final order issued under this chapter shall be served in accordance with the Vermont Rules of Civil

Procedure and may be served by any law enforcement officer. A court that issues an order under this chapter during court hours shall promptly transmit the order electronically or by other means to a law enforcement agency for service.

(b)(1) A defendant who attends a hearing held under section 1103 or 1104 of this title at which a temporary or final order under this chapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A defendant notified by the court on the record shall be required to adhere immediately to the provisions of the order. However, even when the court has previously notified the defendant of the order, the court shall transmit the order for additional service by a law enforcement agency.

(2) An ex parte temporary order issued under this chapter shall remain in effect until either it is dismissed by the court or the petition is denied at the final hearing. If the plaintiff fails to appear at the final hearing, the petition shall be dismissed, provided that the court may continue the temporary order until the final hearing if it makes findings on the record stating why there is good cause not to dismiss the petition. If a final order is issued, the temporary order shall remain in effect until personal service of the final order.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered

H. 967.

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

An act relating to the provision of child care at family child care homes during remote learning days.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 3, effective dates, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATES

(a) This section shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 1 (33 V.S.A. § 3511) shall take effect on passage and apply retroactively to September 8, 2020.

(c) Sec. 2 (33 V.S.A. § 3511) shall take effect on September 1, 2021.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Committee Relieved of Further Consideration**H. 926.**

On motion of Senator Cummings, the Committee on Finance was relieved of further consideration of House bill entitled:

An act relating to changes to Act 250,

Thereupon, under the rule, the bill was ordered placed on the Calendar for notice the next legislative day.

Adjournment

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, September 15, 2020, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 62.