

# Senate Calendar

FRIDAY, APRIL 16, 2021

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**NOTICE CALENDAR**

**Second Reading**

**Favorable**

**H. 195.**

An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children.

**Reported favorably by Senator Baruth for the Committee on Judiciary.**

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 10, 2021, pages 291-292 and March 11, 2021, page 300.)

**H. 366.**

An act relating to 2021 technical corrections.

**Reported favorably by Senator Clarkson for the Committee on Government Operations.**

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 16, 2021, pages 319-320.)

**Favorable with Recommendation of Amendment**

**S. 99.**

An act relating to repealing the statute of limitations for civil actions based on childhood physical abuse.

**Reported favorably with recommendation of amendment by Senator Baruth for the Committee on Judiciary.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 12 V.S.A. § 522 is amended to read:

§ 522. ACTIONS BASED ON CHILDHOOD SEXUAL OR PHYSICAL  
ABUSE

(a) A civil action brought by any person for recovery of damages for injury suffered as a result of childhood sexual or physical abuse may be commenced

at any time after the act alleged to have caused the injury or condition. The victim need not establish which act in a series of continuing physical abuse or sexual abuse or exploitation incidents caused the injury.

(b) If a complaint is filed alleging an act of childhood sexual or physical abuse, the complaint shall immediately be sealed by the clerk of the court. The complaint shall remain sealed until the answer is served or, if the defendant files a motion to dismiss under Rule 12(b) of the Vermont Rules of Civil Procedure, until the court rules on that motion. If the complaint is dismissed, the complaint and any related papers or pleadings shall remain sealed. Any hearing held in connection with the motion to dismiss shall be in camera.

(c) As used in this section,;

(1) ~~“childhood~~ Childhood sexual abuse” means any act committed by the defendant against a complainant who was ~~less than~~ under 18 years of age at the time of the act and which act would have constituted a violation of a statute prohibiting lewd and lascivious conduct, lewd or lascivious conduct with a child, felony sexual exploitation of a minor in violation of 13 V.S.A. § 3258(c), sexual assault, or aggravated sexual assault in effect at the time the act was committed.

(2) “Childhood physical abuse” means any act other than an attempt committed by the defendant against a complainant who was under 18 years of age at the time of the act and which act would have constituted a violation of a statute prohibiting aggravated assault in effect at the time the act was committed.

(d) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to childhood sexual abuse that occurred prior to July 1, 2019, irrespective of any statute of limitations in effect at the time the abuse occurred. In an action based on childhood sexual abuse that would have been barred by any statute of limitations in effect on June 30, 2019, damages may be awarded against an entity that employed, supervised, or had responsibility for the person allegedly committing the sexual abuse only if there is a finding of gross negligence on the part of the entity.

(e) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to childhood physical abuse that occurred prior to July 1, 2021, irrespective of any statute of limitations in effect at the time the abuse occurred. In an action based on childhood physical abuse that would have been barred by any statute of limitations in effect on June 30, 2021, damages may be awarded against an entity that employed, supervised, or had responsibility for the person allegedly

committing the physical abuse only if there is a finding of gross negligence on the part of the entity.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee vote: 5-0-0)

**Favorable with Proposal of Amendment**

**H. 218.**

An act relating to the sale of unpasteurized raw milk.

**Reported favorably with recommendation of proposal of amendment by Senator Pollina for the Committee on Agriculture.**

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 1, 6 V.S.A. chapter 152, as follows:

First: In section 2776, subdivision (6), after the words “Required Agricultural Practices that” and before the words “grow, raise, or produce agricultural products” by inserting the words as part of the business of the farm stand or CSA organization

Second: In section 2778, subsection (b), subdivision (1), after the words “Persons selling or” and before the words “unpasteurized milk” by striking out the word “delivery” and inserting in lieu thereof the word delivering

(Committee vote: 4-1-0)

(For House amendments, see House Journal for March 17, 2021, pages 361-368.)

**Joint Resolution for Notice**

**J.R.S. 24.**

Joint resolution relating to amending temporary Joint Rule 22A.

(For Text of resolution, see Senate Journal for Thursday, April 15, 2021, page 484)

**ORDERED TO LIE**

**S. 100.**

An act relating to universal school breakfast and lunch for all public school students and to creating incentives for schools to purchase locally produced foods.

## CONCURRENT RESOLUTIONS FOR ACTION

### Concurrent Resolutions For Action Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session. Requests for floor consideration should be communicated to the Secretary's Office.

**H.C.R. 42 - 44** (For text of Resolutions, see Addendum to House Calendar for April 15, 2021)

## CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Joseph Flynn of South Hero – Secretary, Agency of Transportation – By Sen. Mazza for the Committee on Transportation. (3/19/21)

Wanda L. Minoli of Montpelier – Commissioner, Department of Motor Vehicles – By Sen. Ingalls for the Committee on Transportation. (3/19/21)

Jennifer M. Fitch of Montpelier – Commissioner, Department of Buildings and General Services – By Sen. Benning for the Committee on Institutions. (3/26/21)

Michael Schirling of Burlington – Commissioner, Department of Public Safety – By Senator Ingalls for the Committee on Transportation. (3/26/21)

Sarah Squirrell of Waterbury Center – Commissioner, Department of Mental Health – Sen. Hooker for the Committee on Health and Welfare. (4/2/21)

Cory G. Gustafson of Montpelier – Commissioner, Department of Vermont Health Access – By Sen. Cummings for the Committee on Health and Welfare. (4/6/21)

Michael K. Smith of Westford – Secretary, Agency of Human Services – By Sen. Lyons for the Committee on Health and Welfare. (4/6/21)

Sean P. Brown of Washington – Commissioner, Department for Children and Families – By Sen. Hooker for the Committee on Health and Welfare. (4/7/21)

Dr. Jessica Holmes of Cornwall – Member, Green Mountain Care Board – Sen. Hardy for the Committee on Health and Welfare. (4/7/21)

Mark A. Levine, MD of Shelburne – Commissioner, Department of Health – By Sen. Hardy for the Committee on Health and Welfare. (4/7/21)

Susanne R. Young of Northfield – Secretary, Agency of Administration – By Sen. Collamore for the Committee on Government Operations. (4/13/21)

Mary E. Fastiggi of Burlington – Commissioner, Department of Human Resources -By Sen. Pollina for the Committee on Government Operations. (4/14/21)

Adam Greshin of Warren – Commissioner, Department of Finance and Management – By Sen. Clarkson for the Committee on Government Operations. (4/14/21)

John J. Quinn III of Berlin – Secretary, Agency of Digital Services – By Sen. Ram for the Committee on Government Operations. (4/14/21)

June Tierney of Randolph – Commissioner, Department of Public Service – By Sen. Cummings for the Committee on Finance. (4/14/21)

Michael Pieciak of Winooski – Commissioner, Department of Financial Regulation – By Sen. Sirotkin for the Committee on Finance. (4/15/21)

Craig Bolio of Essex Junction – Commissioner, Department of Taxes – Sen. MacDonald for the Committee on Finance. (4/20/21)

### **JFO NOTICE**

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3):

**JFO #3043** - \$4,284,369 from the US Dept of Education to the VT Agency of Education for assistance to VT's approved and recognized non-profit independent schools to address educational disruptions caused by COVID-19. Funds will be managed by the VT Agency of Education. *[NOTE: Funds will be used with the GEER EANS program: Governor's Emergency Education Relief (GEER) Emergency Assistance to Non-public Schools (EANS). This program is replacing Equitable Services in ESSER II and III. Please see this overview of how the funds will be used by the AOE to support independent schools.]*

*[JFO received 4/5/2021]*

**JFO #3044** – One (1) limited service position to the VT Dept. of Disabilities, Aging and Independent Living to develop a Northeast Network of mental health counselors familiar with farmer related stressors. Total first year amount of \$146,766 from the U.S. Department of Agriculture. Position has been approved for 1 year and is expected to be approved for 2 additional years.

*[JFO received 4/5/2021]*

**JFO #3045** - 48 (forty-eight) limited-service positions to carry out the ongoing work for an effective public health response to COVID-19. *[NOTE: Positions to be funded through ongoing CDC grants #2254 (Immunization) and #2478 (Epidemiology and Laboratory Capacity) previously approved in 2006 and 2010, respectively.]*

*[JFO received 4/13/2021]*

### **FOR INFORMATION ONLY**

#### **CROSSOVER DATES**

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 12, 2021**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by Friday March 12, 2021.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 19, 2021**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

**Note:** The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

**Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills).**