

# Journal of the Senate

## Of the STATE OF VERMONT BIENNIAL SESSION, 2021

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WEDNESDAY, JANUARY 6, 2021

Pursuant to the provisions of the Constitution and the laws of the State of Vermont, the Senate convened at the State House at Montpelier, on the first Wednesday, after the first Monday, the 6th day of January in the year of two thousand twenty-one.

At ten o'clock in the forenoon, eastern standard time, the Senate was called to order by the President, Lieutenant Governor David E. Zuckerman.

### 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
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Philip E. Baruth Senator Christopher A. Pearson Senator Kesha K. Ram
Essex-Orleans District	Senator Russell H. Ingalls 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 Joshua C. Terenzini

Washington District	Senator Andrew J. Perchlik
Windham District	Senator Rebecca A. Balint
Windsor District	Senator Alison Clarkson Senator Alice W. Nitka

### **Oath Administered**

The Senators-elect were duly sworn by the Secretary and severally subscribed the oath of office.

### **Election of Officers**

The President announced that the next order of business was the election of officers, and that nominations for Secretary were in order:

Senator Clarkson of Windsor District nominated

**JOHN H. BLOOMER, JR.**

of the Town of Wallingford.

Senator Collamore of Rutland District seconded the nomination.

There being no further nominations, on motion of Senator Campion, the nominations were closed and the one ballot was cast for

**JOHN H. BLOOMER JR.**

of the Town of Wallingford, as Secretary of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

### **Election of President *Pro Tempore***

The President then announced that the next order of business was the election of a President *pro tempore*.

Senator Mazza of Grand Isle District nominated

**REBECCA A. BALINT**

of Windsor District.

Senator Collamore of Rutland District seconded the nomination.

There being no further nominations, on motion of Senator Benning, the nominations were closed and the Secretary was instructed to cast one ballot for

**REBECCA A. BALINT**

of Windsor District as President *pro tempore* of the Senate for the two years next ensuing.

Thereupon, she presented herself at the bar of the Senate and received the oath of office from the President.

#### **Election of Third Member of Committee on Committees**

The Senate then proceeded to the election of a Senator to serve with the President and President *pro tempore* as a member of the Committee on Committees, which appoints the standing committees of the Senate.

Senator Kitchel of Caledonia District nominated

**RICHARD T. MAZZA**

of Grand Isle District.

Senator Benning of Caledonia District seconded the nomination.

There being no further nominations, on motion of Senator Balint, the nominations were closed and the Secretary was instructed to cast one ballot for

**RICHARD T. MAZZA**

of Grand Isle District to serve with the President and President *pro tempore* as a member of the Committee on Committees.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

#### **Appointments**

The President announced the appointment by the Secretary of

**STEVEN D. MARSHALL**

of Swanton, as Assistant Secretary of the Senate.

The President announced the appointment by the Secretary of

**VANESSA J. DAVISON**

of Hardwick, as Operations Manager/Journal Clerk, and

**HELEN E. ESTROFF**

of Montpelier, as Calendar Clerk, and

**PENNY M. CARPENTER**

of Waterbury, as Office Assistant.

**Senate Resolutions Adopted**

Senate resolutions of the following titles were severally offered, read and adopted, and are as follows:

By Senator Balint,

**S.R. 1.** Senate resolution relating to the rules of the Senate.

***Resolved by the Senate:***

That the Senate be governed by the Permanent Rules of the Senate for the 2021 biennial session, as adopted in 1989, with amendments adopted in 1997, 2003, 2004, 2007, 2008, 2013, 2016 and 2019 until others are adopted.

By Senator Balint,

**S.R. 2.** Senate resolution relating to amending the permanent rules of the Senate to include rules during Declared Emergencies.

***Resolved by the Senate***

First, Senate Rule 9A is added to read as follows:

**Rule 9A 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 or sessions 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.

(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) The authority of the Rules Committee under this Rule 9A terminates upon the expiration of the Declared Emergency.

Second, 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 9A in its authorizations.

(c) The authority of the Rules Committee under this Rule 32A terminates upon the expiration of the Declared Emergency.

By Senator Balint,

**S.R. 3.** Senate resolution providing a senator-elect may take and subscribe their oath by electronic means.

*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;

*Whereas*, the Governor of the State of Vermont issued a Declaration of State of Emergency in Response to COVID-19; *now therefore be it:*

***Resolved by the Senate:***

For the 2021 Biennial Session, a senator may take and subscribe their required oath by an electronic format using both audio and video capabilities.

By Senator Clarkson,

**S.R. 4.** Senate resolution relating to appointment of a committee to inform the Governor of the organization of the Senate.

***Resolved by the Senate:***

That a committee of four Senators be appointed by the President to wait upon His Excellency, the Governor, and to inform him that the Senate has organized and is ready on its part to proceed with the business of the session.

By Senator Clarkson,

**S.R. 5.** Senate resolution relating to informing the House of the organization of the Senate.

***Resolved by the Senate:***

That the Secretary be directed to inform the House of Representatives that a quorum of the Senate has assembled and organized by the election of **John H. Bloomer, Jr.**, of Wallingford, as Secretary, and **Rebecca A. Balint**, a Senator from Windham District, as President *pro tempore*, and is ready on its part to proceed with the business of the session.

**Joint Senate Resolutions Adopted on the Part of the Senate**

Joint Senate resolutions of the following titles were severally offered, read and adopted on the part of the Senate, and are as follows:

By Senator Mazza,

**J.R.S. 1.** Joint resolution relating to joint rules.

***Resolved by the Senate and House of Representatives:***

That the joint rules of the Senate and the House as adopted in 2019 be adopted as the joint rules of this biennial session until others are adopted.

By Senator Balint,

**J.R.S. 2.** Joint resolution relating to the adoption of an emergency temporary Joint Rule 22A.

*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;

*Whereas*, the Governor of the State of Vermont issued a Declaration of State of Emergency in Response to COVID-19;

*Whereas*, to confront and address the threat of COVID-19, joint committees of the Legislature must continue to meet;

*Whereas*, the rules, tradition and custom require that for a joint committee to formally meet a committee quorum must be physically present in a single location and only those physically present at the meeting location are permitted to vote;

*Whereas*, to appropriately address the needs of the State of Vermont, while limiting the threat of infection, joint committees may need to meet and vote electronically; *now therefore be it:*

***Resolved by the Senate and House of Representatives:***

That an emergency temporary joint rule, to be designated Rule 22A, be adopted by the Senate and House of Representatives to read as follows:

Rule 22A Emergency Rule Regarding Joint Committee Meetings

(a) The Joint Rules Committee is vested with the authority to permit any joint committees of the Vermont Legislature (including itself and Conference Committees) to meet and vote electronically as the Joint Rules Committee determines appropriate. If necessary, the Joint Rules Committee may make this authorization remotely in conformity with this Rule.

(b) The authority of the Joint Rules Committee under this Rule 22A terminates upon the expiration of the Executive's Declared Emergency.

By Senator Balint,

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 7, 2021, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the voters of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the voters, *and be it further*

***Resolved:*** That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate, debate, and vote from a remote location, *and be it further*

***Resolved:*** That should a ballot be necessary, voting by ballot shall be conducted, as practicable, consistent with Vermont's "Early or Absentee Voter" statute at 17 V.S.A. § 2531, et. seq.

By Senator Balint,

**J.R.S. 4.** Joint resolution providing the canvassing committee of the General Assembly meeting shall be concurrently conducted electronically.

***Resolved by the Senate and House of Representatives:***

The canvassing committee of the General Assembly meeting shall be concurrently conducted electronically at which members may participate from a remote location.

By Senator Balint,

**J.R.S. 5.** Joint resolution to provide for a Joint Assembly to hear a message from the Governor.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 7, 2021, at two o'clock in the afternoon to receive a message from the Governor, *and be it further*

***Resolved:*** That the Joint Assembly shall be concurrently conducted electronically.

By Senator Balint,

**J.R.S. 6.** Joint resolution relating to Town Meeting adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, February 26, 2021, or Saturday, February 27, 2021, it be to meet again no later than Tuesday, March 9, 2021.

### **Committee Appointed**

Pursuant to the provisions of S.R. 4, the President appointed a Committee of four to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session:

Senator Clarkson  
Senator Campion  
Senator Brock  
Senator Pearson

### **Report of Committee**

Senator Clarkson, of Windsor District, for the Committee appointed to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session, appeared at the bar of the Senate and reported that it had performed the duties assigned to it.



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**Recess**

The President declared a recess until the fall of the gavel.

**Oath Administered to Senate Members Remotely**

During the recess the Secretary administered the oath of office to the following Senators-Elect who were remote.

Bennington District	Senator Richard W. Sears, Jr.
Chittenden District	Senator Thomas I. Chittenden Senator Virginia V. Lyons Senator Michael D. Sirotkin
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Cheryl Mazzariello Hooker
Washington District	Senator Ann E. Cummings Senator Anthony Pollina
Windham District	Senator Jeanette K. White
Windsor District	Senator Richard J. McCormack

**Called to Order**

The Senate was called to order by the President.

**Canvassing Committee Elected**

The President nominated as a committee on the part of the Senate to canvass votes for state officers,

Senator Hardy, of Addison District  
Senator Campion, of Bennington District  
Senator Benning, of Caledonia District  
Senator Ram, of Chittenden District  
Senator Ingalls, of Essex-Orleans District  
Senator Parent, of Franklin District  
Senator Mazza, of Grand Isle District  
Senator Westman, of Lamoille District  
Senator MacDonald, of Orange District  
Senator Terenzini, of Rutland District  
Senator Perchlik, of Washington District  
Senator White, of Windham District  
Senator Clarkson, of Windsor District

Thereupon, Senator Balint moved that the nominees be elected by the Senate, which was agreed to.

Thereupon, the President declared the nominees elected, and the Committee so elected received the oath of office from the Secretary.

The President designated Senator White, of Windham District, as Chair of the Joint Canvassing Committee to canvass votes for state officers.

### **Standing Committee Appointed**

The President, on behalf of the Committee on Committees, reported the appointment of the following standing committee, as follows:

#### **Rules**

Senator Balint, Chair  
Mazza, Vice-Chair  
Clarkson  
Hooker  
Brock

### **Message from the House No. 1**

A message was received from the House of Representatives by Ms. Melissa Kucserik, its First Assistant Clerk, as follows:

Madam President:

I am directed to inform the Senate that:

A quorum of the House has assembled and organized by the election of

**Jill Krowinski**

the Representative from Burlington (Chittenden 6-3), as Speaker, and

**BetsyAnn Wrask**

of Waterbury, as Clerk, who in turn has appointed Melissa Kucserik of Montpelier as First Assistant Clerk, and Alona Tate of Montpelier as Second Assistant Clerk, and is ready on its part to proceed with the business of the session.

### **Message from the House No. 2**

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

Madam President:

I am directed to inform the Senate that:

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

**J.R.S. 1.** Joint resolution relating to joint rules.

**J.R.S. 2.** Joint resolution relating to the adoption of an emergency temporary Joint Rule 22A.

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

**J.R.S. 4.** Joint resolution providing the canvassing committee of the General Assembly meeting shall be concurrently conducted electronically.

**J.R.S. 5.** Joint resolution to provide for a Joint Assembly to hear a message from the Governor.

**J.R.S. 6.** Joint resolution relating to Town Meeting adjournment.

And has adopted the same in concurrence.

### **Message from the House No. 3**

A message was received from the House of Representatives by Ms. Melissa Kucserik, its First Assistant Clerk, as follows:

Madam President:

I am directed to inform the Senate that:

The House has appointed as members of the Joint Canvassing Committee on the part of the House to canvass votes for state officers:

#### **Addison District**

Sheu of Middlebury  
Birong of Vergennes  
Smith of New Haven

#### **Bennington District**

Corcoran of Bennington  
Durfee of Shaftsbury  
Whitman of Bennington

#### **Caledonia District**

Martel of Waterford  
Campbell of St. Johnsbury  
Troiano of Stannard

**Chittenden District**

Small of Winooski  
Houghton of Essex  
Chase of Colchester

**Franklin District**

Murphy of Fairfax  
Hango of Berkshire  
Martin of Franklin

**Lamoille District**

Noyes of Wolcott  
Scheuermann of Stowe  
Patt of Worcester

**Orange District**

Copeland Hanzas of Bradford  
Satcowitz of Randolph  
Hooper of Randolph

**Essex-Orleans District**

Batchelor of Derby  
Sims of Craftsbury  
Marcotte of Coventry

**Rutland District**

Howard of Rutland City  
Notte of Rutland City  
Shaw of Pittsford

**Washington District**

Dolan of Waitsfield  
Kitzmiller of Montpelier  
Donahue of Northfield

**Windham District**

Burke of Brattleboro  
Mrowicki of Putney  
Coffey of Guilford

**Windsor District**

Morris of Springfield  
Christie of Hartford  
O'Brien of Tunbridge

**Grand Isle District**

Austin of Colchester

Brennan of Colchester

Morgan, L of Milton

**Adjournment**

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