

Journal of the Senate

FRIDAY, MAY 7, 2021

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 65

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 passed a House bill of the following title:

H. 443. An act relating to approval of the merger of the Wilmington Water District with the Town of Wilmington.

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

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

S. 16. An act relating to the creation of the Task Force on School Exclusionary Discipline Reform.

S. 20. An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products.

S. 124. An act relating to miscellaneous utility subjects.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the Senate is requested.

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 27. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The House has considered Senate proposal of amendment to House bill entitled:

H. 439. An act relating to making appropriations for the support of government.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Hooper of Montpelier
Rep. Fagan of Rutland City
Rep. Jessup of Middlesex.

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

H. 108. An act relating to Vermont standards for issuing a Clean Water Act section 401 certification.

And has severally concurred therein.

Bill Referred to Committee on Appropriations

H. 435.

House bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to miscellaneous Department of Corrections-related amendments.

Bill Referred

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

H. 443.

An act relating to approval of the merger of the Wilmington Water District with the Town of Wilmington.

To the Committee on Rules.

House Proposal of Amendment Concurred In

S. 42.

House proposal of amendment to Senate bill entitled:

An act relating to establishing the Emergency Service Provider Wellness Commission.

Was taken up.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 7257b is added to read:

§ 7257b. EMERGENCY SERVICE PROVIDER WELLNESS
COMMISSION

(a) As used in this section:

(1) “Chief executive of an emergency service provider organization” means a person in charge of an organization that employs or supervises emergency service providers in their official capacity.

(2) “Emergency service provider” means a person:

(A) currently or formerly recognized by a Vermont Fire Department as a firefighter;

(B) currently or formerly licensed by the Department of Health as an emergency medical technician, emergency medical responder, advanced emergency medical technician, or paramedic;

(C) currently or formerly certified as a law enforcement officer by the Vermont Criminal Justice Council, including constables and sheriffs;

(D) currently or formerly employed by the Department of Corrections as a probation, parole, or correctional facility officer; or

(E) currently or formerly certified by the Vermont Enhanced 911 Board as a 911 call taker or employed as an emergency communications dispatcher providing service for an emergency service provider organization.

(3) “Licensing entity” means a State entity that licenses or certifies an emergency service provider.

(b) There is created the Emergency Service Provider Wellness Commission within the Agency of Human Services that, in addition to the purposes listed below, shall consider the diversity of emergency service providers on the basis of gender, race, age, ethnicity, sexual orientation, gender identity, disability status, and the unique needs that emergency service providers who have experienced trauma may have as a result of their identity status:

(1) to identify where increased or alternative supports or strategic investments within the emergency service provider community, designated or specialized service agencies, or other community service systems could improve the physical and mental health outcomes and overall wellness of emergency service providers;

(2) to identify how Vermont can increase capacity of qualified clinicians in the treatment of emergency service providers to ensure that the services of qualified clinicians are available throughout the State without undue delay;

(3) to create materials and information, in consultation with the Department of Health, including a list of qualified clinicians, for the purpose of populating an electronic emergency service provider wellness resource center on the Department of Health's website;

(4) to educate the public, emergency service providers, State and local governments, employee assistance programs, and policymakers about best practices, tools, personnel, resources, and strategies for the prevention and intervention of the effects of trauma experienced by emergency service providers;

(5) to identify gaps and strengths in Vermont's system of care for both emergency service providers who have experienced trauma and their immediate family members to ensure access to support and resources that address the impacts of primary and secondary trauma;

(6) to recommend how peer support services and qualified clinician services can be delivered regionally or statewide;

(7) to recommend how to support emergency service providers in communities that are resource challenged, remote, small, or rural;

(8) to recommend policies, practices, training, legislation, rules, and services that will increase successful interventions and support for emergency service providers to improve health outcomes, job performance, and personal well-being and reduce health risks, violations of employment, and violence associated with the impact of untreated trauma, including whether to amend Vermont's employment medical leave laws to assist volunteer emergency service providers in recovering from the effects of trauma experienced while on duty; and

(9) to consult with federal, State, and municipal agencies, organizations, entities, and individuals in order to make any other recommendations the Commission deems appropriate.

(c)(1) The Commission shall comprise the following members and, to the extent feasible, include representation among members that reflects the gender, gender identity, racial, age, ethnic, sexual orientation, social, and disability status of emergency service providers in the State:

(A) the Chief of Training of the Vermont Fire Academy or designee;

(B) a representative, appointed by the Vermont Criminal Justice Council;

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- (C) the Commissioner of Health or designee;
 - (D) the Commissioner of Public Safety or designee;
 - (E) the Commissioner of the Department of Corrections or designee;
 - (F) the Commissioner of Mental Health or designee;
 - (G) the Commissioner of Human Resources or designee;
 - (H) a law enforcement officer who is not a chief or sheriff, appointed by the President of the Vermont Police Association;
 - (I) a representative, appointed by the Vermont Association of Chiefs of Police;
 - (J) a representative, appointed by the Vermont Sheriffs' Association;
 - (K) a volunteer firefighter, appointed by the Vermont State Firefighters' Association;
 - (L) a representative of the designated and specialized service agencies, appointed by Vermont Care Partners;
 - (M) a representative, appointed by the Vermont State Employees Association;
 - (N) a representative, appointed by the Vermont Troopers' Association;
 - (O) a professional firefighter, appointed by the Professional Firefighters of Vermont;
 - (P) a clinician associated with a peer support program who has experience in treating workplace trauma, appointed by the Department of Mental Health;
 - (Q) a professional emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;
 - (R) a volunteer emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;
 - (S) a person who serves or served on a peer support team, appointed by the Department of Mental Health;
 - (T) a representative, appointed by the Vermont League of Cities and Towns;
 - (U) a Chief, appointed by the Vermont Career Fire Chiefs Association;
 - (V) a Chief, appointed by the Vermont Fire Chiefs Association;

(W) a representative, appointed by the Vermont Association for Hospitals and Health Systems; and

(X) the Executive Director of the Enhanced 911 Board or designee.

(2) The term of office of each member shall be three years. Of the members first appointed, ten shall be appointed for a term of one year, ten shall be appointed for a term of two years, and the remainder shall be appointed for a term of three years. Members shall hold office for the term of their appointments and until their successors have been appointed. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members are eligible for reappointment.

(3) Commission members shall recuse themselves from any discussion of an event or circumstance that the member believes may involve an emergency service provider known by the member and shall not access any information related to it. The Commission may appoint an interim replacement member to fill the category represented by the recused member for review of that interaction.

(d)(1) The Commissioner of Health or designee shall call the first meeting of the Commission to occur on or before September 30, 2021.

(2) The Commission shall select a chair and vice chair from among its members at the first meeting and annually thereafter.

(3) The Commission shall meet at such times as may reasonably be necessary to carry out its duties but at least once in each calendar quarter.

(4) The Department of Health shall provide technical, legal, and administrative assistance to the Commission.

(e) The Commission's meetings shall be open to the public in accordance with 1 V.S.A. chapter 5, subchapter 2. Notwithstanding 1 V.S.A. § 313, the Commission may go into executive session in the event a circumstance or an event involving a specific emergency service provider is described, regardless of whether the emergency service provider is identified by name.

(f) Commission records describing a circumstance or an event involving a specific emergency service provider, regardless of whether the emergency service provider is identified by name, are exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

(g) To the extent permitted under federal law, the Commission may enter into agreements with agencies, organizations, and individuals to obtain otherwise confidential information.

(h) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its conclusions and recommendations to the Governor and General Assembly as the Commission deems necessary but not less frequently than once per calendar year. The report shall disclose individually identifiable health information only to the extent necessary to convey the Commission's conclusions and recommendations, and any such disclosures shall be limited to information already known to the public. The report shall be available to the public through the Department of Health.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

House Proposals of Amendment Concurred In

S. 1.

House proposals of amendment to Senate bill entitled:

An act relating to extending the baseload renewable power portfolio requirement.

Were taken up.

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

First: In Sec. 1, 30 V.S.A. § 8009(b), following “Vermont retail electricity” by striking out the word “~~provider~~” and inserting in lieu thereof the word “provider”

Second: In Sec. 4, plant closure contingency plan, by striking it in its entirety and inserting in lieu thereof a new Sec. 4 to read:

Sec. 4. PLANT CLOSURE CONTINGENCY PLAN

On or before March 1, 2022, the Secretary of Commerce and Community Development in consultation with the Commissioner of Forests, Parks, and Recreation shall report to the Senate Committees on Agriculture, Economic Development, Housing, and General Affairs, and Finance and the House Committees on Agriculture and Forestry, Commerce and Economic Development, and Energy and Technology a contingency plan to address how to reduce the economic impacts that may occur if the baseload renewable power plant closes. The plan shall address how to remediate harm to the workforce impacted by the closure of the plant, the forestry industry, and forest health. The contingency plan shall be developed in consultation with the Northern Vermont Development Association, a Vermont resident selected

by the Commissioner of Forests, Parks and Recreation who works in the forestry industry from the Ryegate lumber catchment area, and the owners of the Ryegate Plant. On or before July 1, 2021, the Department of Forests, Parks and Recreation shall render to the owners of the Ryegate Plant a statement for \$10,000.00 to be used on the creation of the contingency plan, which the owners of the Ryegate Plant shall pay within 30 days. The group of stakeholders developing the plan shall hold at least one evening public hearing on the plan in the lumber catchment area.

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

House Proposal of Amendment Concurred In

S. 107.

House proposal of amendment to Senate bill entitled:

An act relating to confidential information concerning the initial arrest and charge of a juvenile.

Was taken up.

The House proposes to the Senate to amend the bill in Sec. 2, 1 V.S.A. § 317, in subsection (c), in subdivision (5)(B), by striking out subdivision (ii) in its entirety and inserting in lieu thereof a new subdivision (ii) to read:

(ii) A public agency shall not release any information within a record reflecting the initial arrest or charge of a person under ~~19~~ 20 years of age that would reveal the identity of the person. However, a public agency may disclose identifying information relating to the initial arrest of a person under ~~19~~ 20 years of age in order to protect the health and safety of any person.

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

Third Reading Ordered

H. 227.

Senator Ram, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to approval of amendments to the charter of the City of Winooski.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered on a roll call, Yeas 20, Nays 10.

Senator Terenzini having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Balint, Baruth, Bray, Campion, Chittenden, Clarkson, Cummings, Hardy, Hooker, Kitchel, Lyons, MacDonald, McCormack, Pearson, Perchlik, Pollina, Ram, Sears, Sirotkin, White.

Those Senators who voted in the negative were: Benning, Brock, Collamore, Ingalls, Mazza, Nitka, Parent, Starr, Terenzini, Westman.

Proposal of Amendment; Third Reading Ordered

H. 420.

Senator Pearson, for the Committee on Agriculture, to which was referred House bill entitled:

An act relating to miscellaneous agricultural subjects.

Reported recommending that the Senate propose to the House to amend the bill by adding two new sections to be numbered Secs. 1a and 1b to read as follows:

Sec. 1a. 6 V.S.A. § 3311a(c) is amended to read:

(c) The requirement for a license under section 3306 of this title or for inspection under this chapter shall not apply to the slaughter of livestock that occurs in a manner that meets all of the following requirements:

(1) A person or persons purchases livestock from a farmer who raised the livestock.

(2) The farmer is registered with the Secretary, on a form provided by the Secretary, as selling livestock for slaughter under this subsection.

(3) The individual or individuals who purchased the livestock performs the act of slaughtering the livestock, as the owner of the livestock.

(4) The act of slaughter occurs, after approval from the farmer who sold the livestock, on a site on the farm where the livestock was purchased.

(5) The slaughter is conducted under sanitary conditions.

(6) The farmer who sold the livestock to the individual or individuals does not assist in the slaughter of the livestock.

(7) Not more than the following number of livestock per year are slaughtered under this subsection:

- (A) ~~15~~ 30 swine;
- (B) ~~five~~ 10 cattle;
- (C) ~~40~~ 80 sheep or goats; or

(D) any combination of swine, cattle, sheep, or goats, provided that not more than ~~6,000~~ 12,000 pounds of the live weight of livestock are slaughtered per year.

(8) The farmer who sold the livestock to the individual or individuals maintains a record of each slaughter conducted under this subsection and reports quarterly to the Secretary, on a form provided by the Secretary, on or before April 15 for the calendar quarter ending March 31, on or before July 15 for the calendar quarter ending June 30, on or before October 15 for the calendar quarter ending September 30, and on or before January 15 for the calendar quarter ending December 31. If a farmer fails to report slaughter activity conducted under this subsection, the Secretary, in addition to any enforcement action available under this chapter or chapter 1 of this title, may suspend the authority of the farmer to sell animals to an individual or individuals for slaughter under this subsection.

(9) The slaughtered livestock may be halved or quartered by the individual or individuals who purchased the livestock but solely for the purpose of transport from the farm.

(10) The livestock is slaughtered according to a humane method, as that term is defined in subdivision 3131(6) of this title.

Sec. 1b. OFFICE OF LEGISLATIVE COUNSEL REPORT ON
LIVESTOCK SLAUGHTER UNDER ANIMAL SHARE
CONTRACTS

The Office of Legislative Counsel, in consultation with the Agency of Agriculture, Food and Markets and other interested parties, shall review federal and State law regarding whether the State may exempt the slaughter of livestock and provision of meat under an animal share contract from the license and inspection requirements of 6 V.S.A. chapter 204. On or before December 1, 2021, the Office of Legislative Counsel shall submit its findings to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry. The findings shall include proposed draft legislation.

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

Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Agriculture.

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 of Conference Appointed

H. 439.

An act relating to making appropriations for the support of government.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Kitchel
Senator Sears
Senator Westman

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Committee Relieved of Further Consideration

H. 435.

On motion of Senator Balint, the rules were suspended and the Committee on Appropriations was relieved of further consideration of House bill entitled:

An act relating to miscellaneous Department of Corrections-related amendments,

and the bill was ordered placed on the Action Calendar for the next legislative day.

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

The nomination of

Gustafson, Cory G. of Montpelier - Commissioner, Department of Vermont Health Access - March 1, 2021 to February 28, 2023.

Was confirmed by the Senate.

The nomination of

Moore, Julia S. of Middlesex - Secretary Natural Resources, Agency of - March 1, 2021 to February 28, 2023.

Was confirmed by the Senate.

The nomination of

Porter, Louis P. of Adamant - Commissioner, Department of Fish and Wildlife - March 1, 2021 to February 28, 2023.

Was confirmed by the Senate.

The nomination of

Snelling, Diane of Hinesburg - Chair, Natural Resources Board - April 9, 2021 to February 28, 2023.

Was confirmed by the Senate.

The nomination of

Snyder, Michael C. of Stowe - Commissioner, Department of Forests, Parks and Recreation - March 1, 2021 to February 28, 2023.

Was confirmed by the Senate.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Reps. Stevens and others,

H.C.R. 58.

House concurrent resolution honoring Timothy Noonan for his leadership at the Vermont Labor Relations Board and in the Montpelier community.

By Reps. Morrissey and others,

By Senators Champion and Sears,

H.C.R. 59.

House concurrent resolution congratulating the Southwestern Vermont Medical Center in Bennington on earning its fifth consecutive Magnet recognition despite the COVID-19 pandemic.

By Reps. Morrissey and others,
By Senators Campion and Sears,

H.C.R. 60.

House concurrent resolution honoring the exemplary teaching and leadership of David Estes at the School of Sacred Heart Saint Francis de Sales.

By Rep. Wood,
By Senator Lyons,

H.C.R. 61.

House concurrent resolution recognizing the week of May 9–15, 2021 as National Skilled Nursing Care Week in Vermont.

By Rep. Smith,
By Senator Starr,

H.C.R. 62.

House concurrent resolution honoring Robert J. Gray for his outstanding contributions to American agricultural and dairy policies.

By Reps. Yantachka and others,
By Senators Lyons, Chittenden, McCormack, Pearson and Ram,

H.C.R. 63.

House concurrent resolution honoring former Vermont Natural Resources Board Vice Chair Martha Illick and her husband, Terrence Dinnan, of Charlotte.

Message from the House No. 66

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 a bill originating in the Senate of the following title:

S. 115. An act relating to making miscellaneous changes in education laws.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

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

H. 210. An act relating to addressing disparities and promoting equity in the health care system.

And has severally concurred therein.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 58. House concurrent resolution honoring Timothy Noonan for his leadership at the Vermont Labor Relations Board and in the Montpelier community.

H.C.R. 59. House concurrent resolution congratulating the Southwestern Vermont Medical Center in Bennington on earning its fifth consecutive Magnet recognition despite the COVID-19 pandemic.

H.C.R. 60. House concurrent resolution honoring the exemplary teaching and leadership of David Estes at the School of Sacred Heart Saint Francis de Sales.

H.C.R. 61. House concurrent resolution recognizing the week of May 9–15, 2021 as National Skilled Nursing Care Week in Vermont.

H.C.R. 62. House concurrent resolution honoring Robert J. Gray for his outstanding contributions to American agricultural and dairy policies.

H.C.R. 63. House concurrent resolution honoring former Vermont Natural Resources Board Vice Chair Martha Illick and her husband, Terrence Dinnan, of Charlotte.

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

The Governor has informed the House that on May 6, 2021, he approved and signed bills originating in the House of the following titles:

H. 199. An act relating to validating legal instruments used in connection with the conveyance of real estate.

H. 366. An act relating to 2021 technical corrections.

Adjournment

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, May 11, 2021, at ten o'clock in the forenoon pursuant to J.R.S. 26.