

Journal of the Senate of the STATE OF VERMONT ADJOURNED SESSION, 2022

TUESDAY, JANUARY 4, 2022

Pursuant to the provisions of the 2022 final adjournment joint resolution of the two Houses (J.R.H. 10), the Senate convened at the State House at Montpelier, on Tuesday, the fourth day of January, two thousand twenty-two.

At ten o'clock in the forenoon, Eastern Standard Time, the Senate was called to order by the President, Lieutenant Governor Molly R. Gray.

Devotional Exercises

Devotional exercises were conducted by the Reverend Thomas Harty of Bethel.

Pledge of Allegiance

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

Message from the Governor Appointments Referred

A message was received from the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

The nomination of

Donohu, Michael of Shelburne - Member of the Vermont Economic Progress Council - from April 26, 2021 to March 31, 2025.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Chase, Heather of Chester - Member of the Vermont Economic Progress Council - from May 24, 2021 to March 31, 2025.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Jefferson, Shirley of South Royalton - Trustee of the Vermont State Colleges Board of Trustees - from May 24, 2021 to February 28, 2025.

To the Committee on Education.

The nomination of

Tester, Shawn of Lyndonville - Trustee of the Vermont State Colleges Board of Trustees - from May 24, 2021 to February 28, 2025.

To the Committee on Education.

The nomination of

Zeller, Susan of Montpelier - Trustee of the Vermont State Colleges Board of Trustees - from May 24, 2021 to February 28, 2025.

To the Committee on Education.

The nomination of

Allen, James Riley of Montpelier - Member of the Public Utility Commission - from March 1, 2021 to February 28, 2027.

To the Committee on Finance.

The nomination of

Gregory, Peter of Harland - Member of the State Infrastructure Bank Board - from May 24, 2021 to February 28, 2025.

To the Committee on Finance.

The nomination of

Brand, Julia of Dorset - Member of the Children and Family Council for Prevention Programs - from March 1, 2021 to February 28, 2024.

To the Committee on Health and Welfare.

The nomination of

Donohue, Michael of Shelburne - Chair of the Human Services Board - from May 24, 2021 to February 28, 2027.

To the Committee on Health and Welfare.

The nomination of

Wasik, Mary Jean of Pittsford - Member of the Human Services Board - from May 24, 2021 to February 28, 2027.

To the Committee on Health and Welfare.

The nomination of

Skinner, Mary of Middlesex - Member of the Human Services Board - from May 24, 2021 to February 28, 2027.

To the Committee on Health and Welfare.

The nomination of

White, Monica L. of Plainfield - Commissioner of the Disabilities, Aging and Independent Living, Department of - from July 1, 2021 to February 28, 2023.

To the Committee on Health and Welfare.

The nomination of

Valerio, Matthew of Proctor - Defender General - from June 21, 2021 to February 28, 2025.

To the Committee on Judiciary.

The nomination of

Heald, Francis of Rutland - Member of the Travel Information Council - from May 24, 2021 to February 28, 2022.

To the Committee on Transportation.

The nomination of

Kennett, Elizabeth of Rochester - Member of the Travel Information Council - from May 24, 2021 to February 28, 2022.

To the Committee on Transportation.

The nomination of

Lebargé, John of Grand Isle - Member of the Travel Information Council - from May 24, 2021 to February 28, 2022.

To the Committee on Transportation.

The nomination of

Moore, Gary of Bradford - Member of the Connecticut River Valley Flood Control Commission - from April 26, 2021 to February 28, 2027.

To the Committee on Natural Resources and Energy.

The nomination of

Aldrich, Brad of Shelburne - Member of the Natural Resources Board - from April 26, 2021 to January 31, 2025.

To the Committee on Natural Resources and Energy.

The nomination of

Clifford, Eric of Starksboro - Member of the VT Citizens' Advisory Council on Lake Champlain's Future - from May 24, 2021 to February 28, 2023.

To the Committee on Natural Resources and Energy.

The nomination of

Elliot, Wayne of Essex Junction - Member of the VT Citizens' Advisory Council on Lake Champlain's Future - from May 24, 2021 to February 28, 2023.

To the Committee on Natural Resources and Energy.

The nomination of

Fischer, Robert of Barre - Member of the VT Citizens' Advisory Council on Lake Champlain's Future - from May 24, 2021 to February 28, 2024.

To the Committee on Natural Resources and Energy.

The nomination of

Fisher, Lori of Williston - Member of the VT Citizens' Advisory Council on Lake Champlain's Future - from May 24, 2021 to February 28, 2023.

To the Committee on Natural Resources and Energy.

The nomination of

Naud, Mark of South Hero - Member of the VT Citizens' Advisory Council on Lake Champlain's Future - from May 24, 2021 to February 28, 2024.

To the Committee on Natural Resources and Energy.

The nomination of

Smith, Denise of St. Albans - Member of the VT Citizens' Advisory Council on Lake Champlain's Future - from May 24, 2021 to February 28, 2023.

To the Committee on Natural Resources and Energy.

The nomination of

Solomon, Hilary of Middletown Springs - Member of the VT Citizens' Advisory Council on Lake Champlain's Future - from May 24, 2021 to February 28, 2024.

To the Committee on Natural Resources and Energy.

The nomination of

Wennberg, Jeff of Rutland - Member of the VT Citizens' Advisory Council on Lake Champlain's Future - from May 24, 2021 to February 28, 2023.

To the Committee on Natural Resources and Energy.

The nomination of

Guy, Sam of Morrisville - Member of the Liquor and Lottery, Board of - from July 19, 2021 to January 31, 2024.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Flanagan, Ed of Montpelier - Member of the Liquor and Lottery, Board of - from July 19, 2021 to January 31, 2024.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Cicio, Megan of Northfield - Member of the Liquor and Lottery, Board of - from July 19, 2021 to January 31, 2023.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Jones, Aaron of Rutland - Member of the Vermont State Housing Authority - from July 19, 2021 to February 28, 2026.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Trombly, Christopher of South Burlington - Member of the Vermont State Housing Authority - from July 19, 2021 to February 29, 2024.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Brown, Patrick of Burlington - Member of the Education, State Board of - from September 20, 2021 to February 28, 2023.

To the Committee on Education.

The nomination of

Lucci, Gabrielle of Poultney - Member of the Education, State Board of - from September 20, 2021 to June 30, 2023.

To the Committee on Education.

The nomination of

Kolbe, Tammy of Burlington - Member of the Education, State Board of - from September 20, 2021 to February 28, 2027.

To the Committee on Education.

The nomination of

Hale, Karyn of Lyndonville - Member of the Vermont Economic Development Authority - from September 17, 2021 to June 20, 2024.

To the Committee on Finance.

The nomination of

Carpenter, Caroline of Salisbury - Member of the Vermont Economic Development Authority - from January 1, 2022 to June 30, 2027.

To the Committee on Finance.

The nomination of

Pinto, Audra, Dr. of Essex Junction - Member of the Health, State Board of - from September 20, 2021 to February 28, 2027.

To the Committee on Health and Welfare.

The nomination of

Giffin, Tom of Rutland - Member of the Parole Board - from July 19, 2021 to February 28, 2022.

To the Committee on Institutions.

The nomination of

Dragon, Jamie of Stowe - Member of the Fish and Wildlife Board - from September 20, 2021 to February 28, 2027.

To the Committee on Natural Resources and Energy.

The nomination of

Jefferson, Shirley of South Royalton - Member of the State Police Advisory Commission - from September 20, 2021 to June 30, 2025.

To the Committee on Government Operations.

Joint Senate Resolutions Adopted on the Part of the Senate

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

By Senator Balint,

J.R.S. 30. Joint resolution amending temporary Joint Rule 22A.

Resolved by the Senate and House of Representatives:

That Temporary Joint Rule 22A is amended 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 on January 18, 2022.

(c) Notwithstanding the provisions of subsection (b) of this rule, if the Governor thereafter reissues capacity restrictions at gatherings and events or requires masks and physical distancing in response to COVID-19, the Joint Rules Committee is again authorized to meet remotely and to permit any joint committees of the Legislature to meet and vote electronically as the Joint Rules Committee determines appropriate.

By Senator Balint,

J.R.S. 31. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Wednesday, January 5, 2022, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically, such that members of the Joint Assembly may participate as permitted by their respective chambers.

By Senator Kitchel,

J.R.S. 32. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Tuesday, January 18, 2022, at one o'clock in the afternoon to receive the budget message of the Governor, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically, such that members of the Joint Assembly may participate as permitted by their respective chambers.

By Senator Balint,

J.R.S. 33. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 25, 2022, or Saturday, February 26, 2022, it be to meet again no later than Tuesday, March 8, 2022.

By Senator Balint,

J.R.S. 34. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 7, 2022, it be to meet again no later than Tuesday, January 11, 2022.

Senate Resolutions Adopted

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

By the Committee on Rules,

S.R. 12. Senate resolution relating to extending concurrently conducted electronic session and committee meetings.

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, Permanent Senate Rule 9A permits the Rules Committee to authorize sessions of the Senate during a declared emergency be concurrently conducted electronically; and

Whereas, Permanent Senate Rule 32A permits the Rules Committee to authorize committee meetings during a declared emergency be concurrently conducted electronically; and

Whereas, the Governor of the State of Vermont issued a Declaration of State of Emergency in Response to COVID-19 which expired at midnight on June 15, 2021;

Whereas, S.R.9 adopted by the Senate on April 14, 2021 permitted the Senate to continue Senate Sessions pursuant to Permanent Senate Rule 9A and Committee meetings pursuant to Permanent Senate Rule 32A until January 7, 2022;

Whereas, given continuing outbreaks of COVID-19, and in particular the OMICRON variant, it may be necessary for sessions of the Senate and committees of the Senate to continue with concurrently conducted electronic sessions and committee meetings; *now therefore be it*

Resolved by the Senate:

Notwithstanding the language in Permanent Senate Rules 9A and 32A regarding their applicability during Declarations of Emergency, the provisions of Permanent Senate Rules 9A and 32A regarding Senate sessions and committee meetings shall remain in effect through February 25, 2022.

By the Committee on Rules,

S.R. 13. Senate resolution relating to adoption of a temporary Rule 10A.

Resolved by the Senate:

That a temporary rule, to be designated Rule 10A, be adopted by the Senate, to read as follows:

Rule 10A. (a) A Senator physically entering the Senate Chamber or Senate committee room shall wear a facial covering (mask) meeting the minimal requirements set by the Rules Committee. If a Senator is unable or refuses to wear a facial covering, the Senator shall be denied physical access to the Senate Chamber and Senate committee rooms but shall be provided with alternative electronic means to fulfil the Senator's duties.

(b) This Temporary Rule 10A shall expire on the convening of the 2023 Biennial session.

By the Committee on Rules,

S.R. 14. Senate resolution relating to adoption of a temporary Rule 10B.

Resolved by the Senate:

That a temporary rule, to be designated Rule 10B, be adopted by the Senate, to read as follows:

Rule 10B. (a) A Senator physically entering the Senate Chamber or a Senate committee room shall have fully protected vaccination or shall provide on a weekly basis proof of a negative NAAT COVID-19 test. If a Senator does not have fully protected vaccination and is unable or refuses to provide a weekly negative NAAT COVID-19 test for the current week, the Senator shall be denied physical access to the Senate Chamber and Senate committee rooms but shall be provided with alternative electronic means to fulfil the Senator's duties.

(b) The Rules Committee shall develop and adopt a policy and procedure for implementing this Temporary Rule 10B consistent, as applicable, with the Model Legislative Vaccination and Test Policy.

(c) This Temporary Rule 10B shall expire on the convening of the 2023 Biennial session.

By the Committee on Rules,

S.R. 15. Senate resolution relating to the establishment of a committee on reapportionment.

Resolved by the Senate:

That the Senate Rules be amended by adopting new temporary Rule 24.1 and by amending temporarily existing Rule 24, as follows:

First: By adding a new Rule 24.1, to read as follows:

24.1 A committee on reapportionment shall be appointed, consisting of seven members, at least four of whom shall be of the majority party, and at least two of whom shall be of the minority party.

Second: By amending Rule 24, sixth paragraph, by striking out the following: "civil defense; and reapportionment" and inserting in lieu thereof the following: and civil defense.

This amendment to the Senate Rules is temporary and shall expire upon final adjournment of the biennial session of 2022.

Bills Referred

Pursuant to Temporary Rule 44A the following bills having failed to meet cross-over and being released by the Committee on Rules were referred to their respective committees of jurisdictions:

S. 120. An act relating to the Joint Legislative Health Care Affordability Study Committee.

To the Committee on Appropriations.

H. 175. An act relating to the beverage container redemption system.

To the Committee on Natural Resources and Energy.

H. 265. An act relating to the Office of the Child, Youth, and Family Advocate.

To the Committee on Health and Welfare.

H. 361. An act relating to approval of amendments to the charter of the Town of Brattleboro.

To the Committee on Government Operations.

H. 444. An act relating to approval of amendments to the charter of the City of Barre.

To the Committee on Government Operations.

H. 446. An act relating to miscellaneous natural resources and development subjects.

To the Committee on Natural Resources and Energy.

H. 454. An act relating to approval of an amendment to the charter of the City of Burlington.

To the Committee on Government Operations.

Bills Introduced

On motion of Senator Balint, the rules were suspended so that all Senate bills being introduced and read for the first time today be read by number only.

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 150.

By Senator Sears,

An act relating to legislative subpoenas.

To the Committee on Judiciary.

S. 151.

By Senators Pollina, Cummings and Perchlik,
An act relating to the posting of land with paint markings.
To the Committee on Natural Resources and Energy.

S. 152.

By Senator White,
An act relating to the cannabis excise tax and local fees.
To the Committee on Finance.

S. 153.

By Senators Campion, McCormack, Sears and Sirotkin,
An act relating to eliminating the religious exemption for required immunizations.
To the Committee on Health and Welfare.

S. 154.

By Senators Baruth, Balint, Benning, Bray, Lyons and Pollina,
An act relating to cannabis excise tax revenue and the Vermont State Colleges.
To the Committee on Finance.

S. 155.

By Senator White,
An act relating to the creation of the Agency of Public Safety.
To the Committee on Government Operations.

S. 156.

By Senator White,
An act relating to the appointment of the Adjutant and Inspector General.
To the Committee on Government Operations.

S. 157.

By Senator Benning,
An act relating to leave to attend court proceedings and depositions.

To the Committee on Economic Development, Housing and General Affairs.

S. 158.

By Senator White,

An act relating to optometrists' scope of practice.

To the Committee on Government Operations.

S. 159.

By Senator Sirotkin,

An act relating to unemployment insurance coverage.

To the Committee on Economic Development, Housing and General Affairs.

S. 160.

By Senators Cummings and Lyons,

An act relating to patient access to and payment for health care services.

To the Committee on Health and Welfare.

S. 161.

By Senators Kitchel, Benning and Starr,

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

To the Committee on Finance.

S. 162.

By Senator Perchlik,

An act relating to the collective bargaining rights of teachers.

To the Committee on Education.

S. 163.

By Senator Balint,

An act relating to State court jurisdiction for special immigrant juvenile status.

To the Committee on Judiciary.

S. 164.

By Senator Lyons,

An act relating to the Green Mountain Care Board's duties and reappointment processes.

To the Committee on Health and Welfare.

S. 165.

By Senator Lyons,

An act relating to expanding educational attainment opportunities for health care professionals.

To the Committee on Health and Welfare.

S. 166.

By Senators Hardy, Pearson, MacDonald and Starr,

An act relating to utility construction worksites and consumer protection.

To the Committee on Judiciary.

S. 167.

By Senator Brock,

An act relating to modernizing State telecommunications policy.

To the Committee on Finance.

S. 168.

By Senator Westman,

An act relating to cemetery fencing.

To the Committee on Government Operations.

S. 169.

By Senator Cummings,

An act relating to education property tax overpayments by a municipality or school district.

To the Committee on Finance.

S. 170.

By Senator Westman,

An act relating to membership in the Municipal Employees' Retirement System for certain county sheriff department employees.

To the Committee on Government Operations.

S. 171.

By Senators Pollina and White,
An act relating to adoption of a State code of ethics.
To the Committee on Government Operations.

S. 172.

By Senator White,
An act relating to authorizing alternative procedures for 2022 annual municipal meetings in response to COVID-19.
To the Committee on Government Operations.

S. 173.

By Senators Hardy and Clarkson,
An act relating to the State House Oversight Committee.
To the Committee on Government Operations.

S. 174.

By Senator White,
An act relating to publication of State, county, and municipal notices on electronic news media.
To the Committee on Government Operations.

S. 175.

By Senator White,
An act relating to confidential information concerning the initial arrest and charge of a child.
To the Committee on Government Operations.

S. 176.

By Senator White,
An act relating to voter approval of water supply rates.
To the Committee on Government Operations.

S. 177.

By Senators Hardy, Lyons, Balint, Clarkson, Cummings, Hooker, Parent, Pearson, Perchlik, Pollina, Ram Hinsdale and Terenzini,
An act relating to extending Medicaid postpartum benefits.

To the Committee on Health and Welfare.

S. 178.

By Senator Sears,

An act relating to supermajority verdicts in civil trials.

To the Committee on Judiciary.

S. 179.

By Senator Balint,

An act relating to judicial nominations and appointments.

To the Committee on Judiciary.

S. 180.

By Senator Baruth,

An act relating to the aggregate value of stolen property in certain crimes.

To the Committee on Judiciary.

S. 181.

By Senator White,

An act relating to authorizing miscellaneous regulatory authority for municipal governments.

To the Committee on Government Operations.

S. 182.

By Senator Baruth,

An act relating to prohibiting paramilitary training camps.

To the Committee on Judiciary.

S. 183.

By Senators Sears, White, Baruth, Benning and Nitka,

An act relating to midpoint probation review.

To the Committee on Judiciary.

S. 184.

By Senators Benning, Sears, Brock, Chittenden, Collamore, Cummings, Ingalls, Lyons, McCormack, Nitka, Parent, Perchlik, Starr, Terenzini, Westman and White,

An act relating to defense of others and justifiable homicide.

To the Committee on Judiciary.

S. 185.

By Senator Sears,

An act relating to miscellaneous cannabis establishment procedures.

To the Committee on Judiciary.

S. 186.

By Senator Sears,

An act relating to the Medical Cannabis Registry.

To the Committee on Health and Welfare.

S. 187.

By Senator Sears,

An act relating to the mental state required for prosecution of criminal drug offenses and penalties for dispensing or selling fentanyl.

To the Committee on Judiciary.

S. 188.

By Senators Sears, Benning, Chittenden and Pollina,

An act relating to regulating licensed small cannabis cultivation as farming.

To the Committee on Agriculture.

S. 189.

By Senators Terenzini, Balint, Benning, Bray, Brock, Campion, Clarkson, Collamore, Hooker, Kitchel, Lyons, Parent, Ram Hinsdale, Sears and White,

An act relating to the status of Holocaust education in public schools.

To the Committee on Education.

S. 190.

By Senators Hardy, Perchlik, Bray, Pearson and Ram Hinsdale,

An act relating to tree replanting in the State highway right-of-way and Agency of Transportation landscaping and streetscaping.

To the Committee on Transportation.

S. 191.

By Senators Hardy, Perchlik and Ram Hinsdale,

An act relating to health insurance and Medicaid coverage for fertility-related services.

To the Committee on Health and Welfare.

Message from the House No. 1

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. 30. Joint resolution amending temporary Joint Rule 22A.

J.R.S. 31. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 5, 2022.