

Journal of the Senate

FRIDAY, APRIL 1, 2022

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Rabbi Danielle Stillman of Middlebury.

Message from the House No. 41

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 resolution originating in the Senate of the following title:

J.R.S. 48. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

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

S. 53. An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax.

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. Ancel of Calais
Rep. Kornheiser of Brattleboro
Rep. Beck of St. Johnsbury

Message from the House No. 42

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 adopted House concurrent resolutions of the following titles:

H.C.R. 128. House concurrent resolution congratulating the 2022 Milton High School Yellowjackets Division II boys' ice hockey championship team.

H.C.R. 129. House concurrent resolution congratulating the 2022 Bellows Free Academy-St Albans Comets Division I girls' championship ice hockey team.

H.C.R. 130. House concurrent resolution recognizing April 2022 as the Month of the Military Child and April 15, 2022 as Purple Up Day in Vermont.

H.C.R. 131. House concurrent resolution honoring Melinda Moulton and Lisa Steele for their pivotal role in rejuvenating the Burlington waterfront.

H.C.R. 132. House concurrent resolution recognizing April 2022 as National Donate Life Month in Vermont.

H.C.R. 133. House concurrent resolution congratulating the 2022 Essex High School Hornets Division I boys' ice hockey championship team.

H.C.R. 134. House concurrent resolution recognizing April 6, 2022 as Start by Believing Day in Vermont.

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

Pages Honored

In appreciation of their many services to the members of the General Assembly, the President *pro tempore* recognized the following-named pages who are completing their services today and presented them with letters of appreciation.

Orion Cooper of South Burlington
Sadie Farris of Grand Isle
Hannah Haskins of Waterbury
HazeN Longe of Cambridge
Carver Maxwell of Coventry
Madelyn Morris of Williston
Anya Muller of Jericho

Third Readings Ordered

H. 448.

Senator Ram Hinsdale, 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 Burlington.

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.

H. 680.

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

An act relating to obtaining a marriage license in any town in Vermont.

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.

H. 556.

Senator Hardy, for the Committee on Finance, to which was referred House bill entitled:

An act relating to exempting property owned by Vermont-recognized Native American tribes from property tax.

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.

H. 627.

Senator Cummings, for the Committee on Finance, to which was referred House bill entitled:

An act relating to the Vermont Economic Development Authority.

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.

Senator Mazza Assumes the Chair

Bill Amended; Bill Passed

S. 286.

Senate bill entitled:

An act relating to amending various public pension and other postemployment benefits.

Was taken up.

Thereupon, pending third reading of the bill, Senators Kitchel and White moved to amend the bill as follows:

First: In Sec. 1, 32 V.S.A. § 311a, in subsection (c), by striking out subdivision (3) in its entirety.

Second: By adding two new sections to be Secs. 11a and 11b to read as follows:

Sec. 11a. 16 V.S.A. § 1949a is added to read:

§ 1949a. POSTRETIREMENT ADJUSTMENT ALLOWANCE FUND

(a) Intent. It is the intent of the General Assembly to recognize members who are in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023 and members who are in active service on or after July 1, 2022 and made contributions for at least one year, as part of a broader effort to improve the health of the System. As an acknowledgment of these additional contributions, once the System is in a healthier financial position, it is the intent of the General Assembly that these members should receive postretirement adjustment allowances that will more fully reflect the net percentage increase in the Consumer Price Index. It is also the intent of the General Assembly that the postretirement adjustment allowance formula should be incrementally increased to 100 percent of the net percentage increase in the Consumer Price Index, but that no increase should occur to the formula unless the funded ratio of the System is at least 80 percent funded on an actuarial value basis.

(b) Creation. There is established the Postretirement Adjustment Allowance Fund, to be administered by the Board, to provide postretirement adjustment increases or other benefits that may accrue to eligible members, pursuant to the requirements of subsection (d) of this section.

(c) Funds. The Fund shall consist of:

(1) any amounts transferred to it from the General Fund Balance Reserve established in 32 V.S.A. § 308c; and

(2) any amounts transferred or appropriated to it by the General Assembly.

(d) Use of funds. In any fiscal year, the Board may recommend the monies in the Fund to provide for postretirement adjustment increases or other benefits that may accrue to eligible members in the System, provided that:

(1) an evaluation is conducted pursuant to section 1949b of this chapter;

(2) the actuary certifies that the System has a funded ratio of at least 80 percent;

(3) the Fund has sufficient assets to pay for the present value of any benefit being provided; and

(4) the General Assembly approves of any increase or benefit change.

(e) Fund administration.

(1) The Board may invest monies in the Fund in accordance with the provisions of 32 V.S.A. § 434 or, in the alternative, may enter into an agreement with the Vermont Pension Investment Committee to invest such monies in accordance with the standards of care established by the prudent investor rule under 14A V.S.A. § 902, in a manner similar to the Committee's investment of retirement system monies. Interest earned shall remain in the Fund, and all balances remaining at the end of a fiscal year shall be carried over to the following year. The Board's annual financial report to the Governor and the General Assembly shall contain an accounting of receipts, disbursements, and earnings of the Fund.

(2) Contributions to the Fund shall be irrevocable and it shall be impossible at any time prior to the satisfaction of all liabilities, with respect to members and their beneficiaries, for any part of the corpus or income of the Fund to be used for, or diverted to, purposes other than the payment of postretirement adjustment increases and other benefits that may accrue to members and their beneficiaries and reasonable expenses of administering the Fund.

(f) Definition. As used in this section, "eligible member" means:

(1) a member of the System who is in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023; or

(2) a member of the System who is in active service on or after July 1, 2022 and made contributions for at least one year.

Sec. 11b. 16 V.S.A. § 1949b is added to read:

§ 1949b. POSTRETIREMENT ADJUSTMENT TO RETIREMENT ALLOWANCE; FORMULA; EVALUATION

(a) On or before September 1, 2027 and every three years thereafter, or at the request of the Board in conjunction with any proposed changes to the amortization schedule, the Board shall consider the intent set forth in subsection 1949a(a) of this chapter and evaluate whether to modify the postretirement adjustment formula or any other benefit that may accrue to the members of the System who are in active service on or before June 30, 2022

and made contributions for the duration of fiscal year 2023 and members in active service on or after July 1, 2022 and made contributions for at least one year. The evaluation shall only include a proposed benefit change if the Postretirement Adjustment Allowance Fund has sufficient assets to pay for the present value of that benefit.

(b) On or before January 15, 2028 and every three years thereafter, or following a request for an evaluation by the Board, the Board shall submit a report to the House and Senate Committees on Government Operations with the results of the evaluation described in subsection (a) of this section.

Third: By striking out Sec. 18, 32 V.S.A. § 308c, in its entirety and inserting in lieu thereof the following:

Sec. 18. 32 V.S.A. § 308c is amended to read:

§ 308c. GENERAL FUND AND TRANSPORTATION FUND BALANCE RESERVES

(a) There is hereby created within the General Fund a General Fund Balance Reserve, also known as the “Rainy Day Reserve.” After satisfying the requirements of section 308 of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year General Fund surplus shall be reserved in the General Fund Balance Reserve. The General Fund Balance Reserve shall not exceed five percent of the appropriations from the General Fund for the prior fiscal year without legislative authorization.

(1), (2) [Repealed.]

(3) Of the funds that would otherwise be reserved in the General Fund Balance Reserve under this subsection, ~~50 percent of any such funds~~ the following amounts shall be reserved as necessary and transferred from the General Fund ~~to the Vermont State Employees’ Postemployment Benefits Trust Fund established by 3 V.S.A. § 479a~~ as follows:

(A) 25 percent to the Vermont State Retirement Fund established by 3 V.S.A. § 473; and

(B) 25 percent to the Postretirement Adjustment Allowance Fund established in 16 V.S.A. § 1949a.

* * *

Which was agreed to.

Thereupon, pending third reading of the bill? Senator Benning raised a *point of order* under Sec. 71 of Mason’s Manual of Legislative Procedure on whether he had a conflict of interest.

The President *overruled* the point of order and ruled that he did not have a conflict of interest and could vote on the bill.

Thereupon, the bill was read the third time and passed on a roll call, Yeas 28, Nays 0.

Senator White 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, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, MacDonald, McCormack, Nitka, Pearson, Perchlik, Pollina, Ram Hinsdale, Sears, Sirotkin, Starr, Terenzini, Westman, White.

Those Senators who voted in the negative were: None.

Those Senators absent or not voting were: Mazza (presiding), Parent.

Senator Balint Resumes the Chair

H. 491.

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

An act relating to the creation of the City of Essex Junction and the adoption of the City charter.

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.

Appointments Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:

The nominations of

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

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

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

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

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

Boucher, Patricia of Enosburg Falls - Member, Parole Board - February 24, 2021 to February 29, 2024.

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

Stephens, Mary L. of Goshen - Member, Parole Board - February 24, 2021 to February 29, 2024.

Were collectively confirmed by the Senate.

Appointment Confirmed

The following Gubernatorial appointment was confirmed separately by the Senate, upon full report given by the Committee to which it was referred:

The nomination of

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

Was confirmed by the Senate on a roll call, Yeas 27, Nays 0.

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

Roll Call

Those Senators who voted in the affirmative were: Baruth, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, Mazza, McCormack, Nitka, Pearson, Perchlik, Pollina, Ram Hinsdale, Sears, Sirotkin, Starr, Terenzini, Westman, White.

Those Senators who voted in the negative were: None.

Those Senators absent or not voting were: Balint (presiding), MacDonald, Parent.

Committee of Conference Appointed

S. 53.

An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax.

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

Senator Cummings
Senator Brock
Senator Hardy

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

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. Mattos and others,

H.C.R. 128.

House concurrent resolution congratulating the 2022 Milton High School Yellowjackets Division II boys' ice hockey championship team.

By Reps. Toof and others,

By Senators Brock and Parent,

H.C.R. 129.

House concurrent resolution congratulating the 2022 Bellows Free Academy-St Albans Comets Division I girls' championship ice hockey team.

By Reps. Hango and others,

By Senators Brock, Collamore, Ingalls, Mazza and Parent,

H.C.R. 130.

House concurrent resolution recognizing April 2022 as the Month of the Military Child and April 15, 2022 as Purple Up Day in Vermont.

By Reps. Rachelson and others,

By Senators Baruth, Chittenden, Hardy, Pearson, Ram Hinsdale and Sirotkin,

H.C.R. 131.

House concurrent resolution honoring Melinda Moulton and Lisa Steele for their pivotal role in rejuvenating the Burlington waterfront.

By Reps. Rachelson and others,

By Senators Baruth, Brock, Chittenden, Hardy, Pearson and Ram Hinsdale,

H.C.R. 132.

House concurrent resolution recognizing April 2022 as National Donate Life Month in Vermont.

By Reps. Vyhovsky and others,

H.C.R. 133.

House concurrent resolution congratulating the 2022 Essex High School Hornets Division I boys' ice hockey championship team.

By Rep. Grad,

By Senator Ram Hinsdale,

H.C.R. 134.

House concurrent resolution recognizing April 6, 2022 as Start by Believing Day in Vermont.

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, April 5, 2022, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 48.