

Journal of the Senate

TUESDAY, MARCH 18, 2025

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

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

Bills Referred to Committee on Finance

Senate bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

S. 46. An act relating to the taxation of vehicles used for forestry operations.

S. 53. An act relating to certification of community-based perinatal doulas and Medicaid coverage for doula services.

S. 63. An act relating to modifying the regulatory duties of the Green Mountain Care Board.

S. 65. An act relating to energy efficiency utility jurisdiction.

Bill Referred to Committee on Appropriations

S. 36.

Senate 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 Medicaid coverage of long-term residential treatment for co-occurring substance use disorder and mental health condition.

Message from the Governor Appointments Referred

A message was received from the Governor, by Jaye Pershing Johnson, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Cheney, Margaret of Norwich - Member of the Public Utility Commission - from March 1, 2025 to February 28, 2031.

To the Committee on Finance.

Corey, Jeffrey of Fairfax - Member of the Fish and Wildlife Board - from March 5, 2025 to February 28, 2031.

To the Committee on Natural Resources and Energy.

Elwell, Peter of Brattleboro - Member of the Vermont Economic Development Authority - from March 1, 2025 to February 28, 2031.

To the Committee on Finance.

Keenan, Kathleen of St. Albans - Member of the Employment Security Board - from March 1, 2025 to February 28, 2031.

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

Stuart, Cynthia L. of Lyndonville - Member of the State Board of Education - from March 6, 2025 to February 28, 2031.

To the Committee on Education.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 18.

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

Offered by Senator Baruth,

J.R.S. 18. Joint resolution relating to weekend adjournment on March 21, 2025.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 21, 2025, it be to meet again no later than Tuesday, March 25, 2025.

Committee Bills Introduced

Senate committee bills of the following titles were severally introduced, read the first time, and, under the rule, placed on the Calendar for notice tomorrow:

S. 122.

By the Committee on Economic Development, Housing and General Affairs,

An act relating to economic and workforce development.

S. 123.

By the Committee on Transportation,

An act relating to miscellaneous changes to laws related to motor vehicles.

S. 124.

By the Committee on Agriculture,

An act relating to miscellaneous agricultural subjects.

S. 125.

By the Committee on Economic Development, Housing and General Affairs,

An act relating to workers' compensation and collective bargaining rights.

S. 126.

By the Committee on Health and Welfare,

An act relating to health care payment and delivery system reform.

S. 127.

By the Committee on Economic Development, Housing and General Affairs,

An act relating to housing and housing development.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 2.

An act relating to increasing the minimum age for delinquency proceedings.

To the Committee on Judiciary.

H. 21.

An act relating to service of writs of possession.

To the Committee on Judiciary.

H. 50.

An act relating to identifying underutilized State buildings and land.

To the Committee on Institutions.

H. 105.

An act relating to expanding the Youth Substance Awareness Safety Program.

To the Committee on Judiciary.

Rules Suspended; Bill Committed**S. 124.**

Pending entry on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and Senate Committee bill entitled:

An act relating to miscellaneous agricultural subjects.

Was taken up for immediate consideration.

Thereupon, on motion of Senator Baruth, the bill was committed to the Committee on Natural Resources and Energy.

Rules Suspended; Bills Referred to Finance Pursuant to Rule 31

Pending entry on the Calendar for notice, on motion of Senator Baruth the rules were suspended and Senate bills entitled:

S. 122. An act relating to economic and workforce development.

S. 123. An act relating to miscellaneous changes to laws related to motor vehicles.

S.127. An act relating to housing and housing development.

were referred to the Committee on Finance pursuant to Rule 31.

Rules Suspended; Bills Referred to Appropriations Pursuant to Rule 31

Pending entry on the Calendar for notice, on motion of Senator Baruth the rules were suspended and Senate bills entitled:

S. 125. An act relating to workers' compensation and collective bargaining rights.

S. 126. An act relating to health care payment and delivery system reform.

were referred to the Committee on Appropriations pursuant to Rule 31.

Third Reading Ordered**S. 45.**

Senator Norris, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to protection from nuisance suits for agricultural activities.

Reported that the bill ought to pass.

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 25, Nays 5.

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, Beck, Bongartz, Brennan, Brock, Chittenden, Collamore, Cummings, Douglass, Hardy, Harrison, Hart, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Norris, Perchlik, Plunkett, Ram Hinsdale, Weeks, Westman, Williams.

Those Senators who voted in the negative were: Clarkson, Gulick, Vyhovsky, Watson, White.

Joint Resolution Adopted on the Part of the Senate

J.R.S. 15.

Joint Senate resolution of the following title was read the third time and adopted on the part of the Senate:

Joint resolution supporting Vermont's transgender and non-binary community and declaring Vermont's commitment to fighting discrimination and treating all citizens with respect and dignity.

Bill Amended; Third Reading Ordered

S. 66.

Senator White, for the Committee on Transportation, to which was referred Senate bill entitled:

An act relating to motor vehicle noise, exhaust modifications, and engine compression brakes.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 1221 is amended to read:

§ 1221. CONDITION OF VEHICLE; EXCESSIVE NOISE

(a) A motor vehicle, operated on any highway, shall be in good mechanical condition and shall be properly equipped.

(b)(1) An individual shall not operate on a highway a motor vehicle equipped with a muffler lacking interior baffle plates or other effective muffling devices, a gutted muffler, a muffler cutout, or a straight pipe exhaust.

(2) An individual shall not operate on a highway a motorcycle manufactured after December 31, 1985 that is not labeled in compliance with 40 C.F.R. § 205.158 and equipped with a muffler that meets the requirements of 40 C.F.R. § 205.169.

(3) The prohibition of subdivisions (1) and (2) of this subsection shall not apply when a motor vehicle or motorcycle is operated in a race, contest, or demonstration of speed or skill at an authorized public exhibition held in accordance with applicable State or municipal law and land use permits.

(c)(1) A motor vehicle equipped or modified as described in subdivision (b)(1) of this section shall not pass an inspection required under section 1222 of this title.

(2) A motorcycle that does not meet the requirements of subdivision (b)(2) of this section shall not pass an inspection required under section 1222 of this title.

Sec. 2. 23 V.S.A. § 1309 is added to read:

§ 1309. ENGINE COMPRESSION BRAKE DEVICES; REQUIREMENTS

(a)(1) An individual shall not operate a motor truck or truck tractor equipped with an engine compression brake device unless the motor truck or truck tractor is also equipped with a muffler to prevent excessive noise from the device.

(2) It shall not be a violation of subdivision (1) of this subsection to use an engine compression brake device in a motor truck or truck tractor that is not equipped with a muffler to prevent excessive noise from the device if the device is used to slow down or stop the motor truck or truck tractor in an emergency.

(b) A motor truck or truck tractor that is equipped with an engine compression brake device but is not equipped with a working muffler to prevent excessive noise from the device shall fail inspection pursuant to section 1222 of this title.

(c) As used in this section, “engine compression brake device” means a device that slows a motor truck or truck tractor by utilizing engine compression and the release of compressed air. “Engine compression brake device” includes compression brakes, decompression brakes, engine compression release brakes, “Jake” brakes, and “Jacobs” brakes.

(d) Nothing in this section shall be construed to prevent a municipality from adopting an ordinance that prohibits the operation of an engine compression brake devices within the municipality or in specific parts of the municipality.

Sec. 3. RULEMAKING; PERIODIC INSPECTION MANUAL; EXHAUST MODIFICATIONS; ENGINE COMPRESSION BRAKE MUFFLERS; OUTREACH

(a) The Department of Motor Vehicles shall, unless extended by the Legislative Committee on Administrative Rules, adopt amendments to Department of Motor Vehicles, Inspection of Motor Vehicles (CVR 14-050-022) to implement the provisions of Secs. 1 and 2 of this act that shall take effect on or before July 1, 2026.

(b) The Department of Motor Vehicles shall implement a public outreach campaign regarding prohibited exhaust modifications pursuant to 23 V.S.A. § 1221 and the requirement for engine compression brakes to be equipped with a muffler pursuant to 23 V.S.A. § 1309. The public outreach campaign shall include information on the provisions of the rules for Inspection of Motor Vehicles (CVR 14-050-022), related to exhaust modifications and engine compression brake mufflers, including the amendments adopted under the Administrative Procedure Act pursuant to subsection (a) of this section. The Department of Motor Vehicles shall begin to disseminate information pursuant to this subsection not later than two months prior to the effective date of Secs. 1 and 2 of this act and shall disseminate information pursuant to this subsection through email, bulletins, software updates, and the Department of Motor Vehicles' website.

Sec. 4. MOTOR VEHICLE NOISE LEVELS; REPORT

(a) On or before December 15, 2025, the Commissioner of Motor Vehicles shall submit a written report to the Senate and House Committees on Transportation with a proposal for limits on motor vehicle noise and proposed procedures for the enforcement of those limits.

(b) The report shall examine laws and procedures in Maine and other New England states regarding:

(1) maximum sound levels for motor vehicles and trucks;

(2) enforcement of maximum sound levels for motor vehicles and trucks;

(3) procedures for a person to challenge a determination that the person's vehicle was operating in excess of the applicable maximum sound level; and

(4) procedures for a citizen to report a suspected violation of the maximum sound levels for motor vehicles and trucks to law enforcement.

(c) The report shall include proposals for:

(1) maximum sound levels above which motor vehicles and trucks would not be permitted to operate on highways in Vermont, which may vary depending on the type of vehicle, vehicle weight, and vehicle speed;

(2) methods for determining whether a vehicle is operating on a highway in excess of the maximum sound levels;

(3) procedures for enforcing the maximum sound levels;

(4) procedures for a person to challenge a determination that the person's vehicle was operating in excess of the applicable maximum sound level; and

(5) procedures for allowing citizens to report a suspected violation of the maximum sound levels for motor vehicles and trucks to law enforcement.

(d) The report shall identify any legislative action necessary to implement the proposals included pursuant to subsection (c) of this section.

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 3 and 4 of this act shall take effect on July 1, 2025.

(b) Secs. 1 and 2 of this act shall take effect on July 1, 2026.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 87.

Senator Hashim, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to extradition procedures.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 4955 is amended to read:

§ 4955. COMMITMENT TO AWAIT EXTRADITION; BAIL

If upon examination it appears that the person held is the person charged with having committed the crime alleged and that the person probably committed the crime, and, except in cases arising under section 4946 of this title, that the person has fled from justice, the judge or magistrate shall commit the person to jail by a warrant, reciting the accusation, for such a time, not exceeding ~~30~~ 90 days, to be specified in the warrant as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in section 4956 of this title, or until the person shall be legally discharged. On request of the state, the hearing may be continued for up to three ~~working~~ business days, only for the purpose of determining whether the person probably committed the crime. Findings under this section may be based upon hearsay evidence or upon copies of affidavits, whether certified or not, made outside this State. It shall be sufficient for a finding that a person probably committed the crime that there is a current grand jury indictment from another state.

Sec. 2. 13 V.S.A. § 4957 is amended to read:

§ 4957. EXTENDING TIME OF COMMITMENT

If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant, bond, or undertaking, such judge may discharge ~~him or her~~ or may recommit ~~him or her~~ the accused for a further period not to exceed ~~60~~ 30 days, or may again take bail for ~~his or her~~ the accused's appearance and surrender as provided in section 4956 of this title, but within a period not to exceed ~~60~~ 30 days after the date of such new bond.

Sec. 3. 13 V.S.A. § 4967 is amended to read:

§ 4967. WRITTEN WAIVER OF EXTRADITION PROCEEDINGS

(a) Any person arrested in this State charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of ~~his or her~~ bail, probation, or parole may waive the issuance and service of the warrant provided for in sections 4947 and 4948 of this title and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this State a writing that states that ~~he or she~~ the person consents to return to the demanding state; provided, however, before ~~such~~ the waiver ~~shall be~~ is executed or subscribed by ~~such~~ the person ~~it shall be the duty of such,~~ the judge to shall inform ~~such~~ the person of ~~his or her~~ the rights right to the issuance and service of a warrant of extradition and the right to obtain a writ of habeas corpus as provided for in section 4950 of this title.

(b) If and when such consent has been duly executed, it shall forthwith be forwarded to the office of the Governor of this State and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this State.

(c) Notwithstanding any other provision of law, a law enforcement or corrections agency in this State holding a person who is alleged to have broken the terms of the person's probation, parole, bail, or any other release in the demanding state shall immediately deliver that person to the duly authorized agent of the demanding state without the requirement of a Governor's warrant if all of the following apply:

(1) The person has signed a prior waiver of extradition as a term of the person's current probation, parole, bail, or other release in the demanding state.

(2) The law enforcement or corrections agency holding the person has received an authenticated copy of the prior waiver of extradition signed by the person and photographs or fingerprints or other evidence properly identifying the person as the person who signed the waiver. These documents may be received by reliable electronic means.

(3) Except as the State's Attorney shall otherwise determine in the interest of justice, all open criminal charges in this State have been disposed of through trial and sentencing.

Sec. 4. 13 V.S.A. § 5043 is amended to read:

§ 5043. HEARING, COMMITMENT, DISCHARGE

(a) If an arrest is made in this State by an officer of another state in accordance with the provisions of section 5042 of this title, ~~he or she shall~~ the officer, without unnecessary delay, shall take the person arrested before a Superior judge of the unit in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest.

(b) If the judge determines that the arrest was lawful, ~~he or she~~ the judge shall commit the person arrested to await for ~~a reasonable time~~ the issuance of an extradition warrant by the Governor of this State within 90 days or admit such person to bail pending the issuance of such warrant. The judge shall consider the issuance of a judicial warrant for the arrest of the person who has

fled justice to Vermont from another state when determining the risk of flight from prosecution.

(c) If the judge determines that the arrest was unlawful, ~~he or she~~ the judge shall discharge the person arrested.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage and shall apply prospectively and not affect extraditions in process at the time of enactment.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Adjournment

On motion of Senator Baruth, the Senate adjourned until eleven o'clock in the forenoon on Wednesday, March 19, 2025.