

Journal of the Senate

TUESDAY, APRIL 22, 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.

Bill Referred to Committee on Rules

S. 131.

Senate bill of the following title, appearing on the Calendar for notice, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to approval of an amendment to the charter of the City of Burlington relating to the possession of firearms.

Bill Referred to Committee on Finance

H. 488.

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to the fiscal year 2026 Transportation Program and miscellaneous changes to laws related to transportation.

Senate Resolution Referred

S.R. 13.

Senate resolution of the following title was offered, read the first time and is as follows:

Offered by Senators White, Baruth, Beck, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Lyons, Major, Mattos, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson and Westman,

S.R. 13. Senate resolution relating to strongly objecting to the manner and circumstances under which U.S. immigration authorities arrested and detained

Mohsen Mahdawi and strongly advocating that he be afforded due process under the law and released immediately from detention.

Whereas, Mohsen Mahdawi is a resident of White River Junction and has been a U.S. permanent resident (green card holder) for the past decade, and

Whereas, on Monday, April 14, 2025, in the belief that he was to participate in his final interview for U.S. citizenship, Mohsen Mahdawi arrived at the U.S. immigration office in Colchester, and

Whereas, instead of commencing the interview, armed immigration authorities in plain clothes with faces covered arrested Mohsen Mahdawi and refused to provide any information regarding where he was being taken or what would happen to him, and

Whereas, in a joint statement that U.S. Senators Sanders and Welch and U.S. Representative Balint released, they described this action as “immoral, inhumane, and illegal,” and

Whereas, Vermont’s three federal legislators also demanded that Mohsen Mahdawi be afforded “due process under the law and immediately released from detention,” *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont strongly objects to the manner and circumstances under which U.S. immigration authorities arrested and detained Mohsen Mahdawi and strongly advocate that he be afforded due process under the law and released immediately from detention, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to U.S. Secretary of Homeland Security Kristi Noem, Immigration and Customs Enforcement Acting Director Todd Lyons, and the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the resolution as a bill and referred it to the Committee on Judiciary.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 23.

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

by Senator Baruth,

J.R.S. 23. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 25, 2025, it be to meet again no later than Tuesday, April 29, 2025.

Proposal of Amendment; Third Reading Ordered

H. 463.

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

An act relating to technical corrections for the 2025 legislative session.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 7, 9 V.S.A. § 206, following “pertaining” by inserting to

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

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.

Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment

H. 398.

House bill entitled:

An act relating to the Vermont Economic Development Authority.

Was taken up.

Thereupon, pending third reading of the bill, Senators Chittenden, Beck, Brock, Cummings, Gulick, Hardy and Mattos moved that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. chapter 12, in section 254, in the section heading, by striking out the word “STATE” and inserting in lieu thereof “STATE AUTHORITY”

Second: In Sec. 1, 10 V.S.A. chapter 12, in section 280gg, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a)(1) There is established within the Authority the Vermont Disaster Recovery Loan Fund, referred to in this subchapter as “the Fund,” the purpose of which is to enable the Authority to provide loans and other forms of financial assistance to businesses, including agricultural and forest product enterprises, after disasters.

(2) The Authority shall consult with the Secretary of Commerce and Community Development; the Secretary of Agriculture, Food and Markets; and the Commissioner of Forests, Parks and Recreation in determining whether funds shall be made available following a nondeclared disaster event impacting areas of the State. A consultation shall not be required in the event of a disaster declaration declared by the Governor or the President of the United States.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Third Reading Ordered

H. 21.

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

An act relating to service of writs of possession.

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.

Third Reading Ordered

H. 206.

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

An act relating to the Uniform Commercial Code.

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.

Proposal of Amendment; Third Reading Ordered

H. 13.

Senator Gulick, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to Medicaid payment rates for home- and community-based service providers.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 900 is amended to read:

§ 900. DEFINITIONS

~~Unless otherwise required by the context, the words and phrases in this chapter shall be defined as follows~~ As used in this chapter:

* * *

(7) “Community-based services” means the following services provided pursuant to Vermont’s Global Commitment to Health Section 1115 Medicaid demonstration or a successor program:

(A) long-term services and supports provided to older adults and adults with disabilities in a home or community setting other than a nursing home, including enhanced residential care services;

(B) home health and hospice services, adult day rehabilitation services, and assistive community care services; and

(C) short- and long-term services and supports provided to individuals with mental conditions, individuals with substance use disorders, individuals with developmental or intellectual disabilities, and individuals with a brain injury, in a home or community setting that is not a clinical residential setting or a private nonmedical residential setting.

Sec. 2. 33 V.S.A. § 911 is added to read:

§ 911. PAYMENT RATES FOR PROVIDERS OF COMMUNITY-BASED SERVICES

(a) The Secretary of Human Services shall determine payment rates for providers of community-based services that are reasonable and adequate to achieve the required outcomes for the populations they serve. When determining these payment rates, the Secretary:

(1) shall adjust the rate amounts to take into account factors that include:

(A) the reasonable cost of any governmental mandate that has been enacted, adopted, or imposed by any State or federal authority; and

(B) a cost adjustment factor to reflect changes in reasonable costs of goods to and services of providers of community-based services, including those attributed to inflation and labor market dynamics; and

(2) may consider geographic differences in wages, benefits, housing, and real estate costs in each region of the State.

(b) The Secretary shall establish a methodology for determining payment rates for providers of community-based services in accordance with this section. The methodology shall:

(1) provide a schedule for conducting studies of the Medicaid reimbursement rates paid to the providers of community-based services, including the rates' adequacy and their underlying methodologies, that includes studying the rates paid to providers for each type of service at least once every five years;

(2) set forth a predictable timeline for redetermination of base rates;

(3) include a process for determining an annual inflationary rate adjustment;

(4) to the extent permitted by the Centers for Medicare and Medicaid Services, take into account the financial needs of providers whose reimbursements may be negatively affected by client absences; and

(5) use Vermont labor market rates and Vermont costs of operation.

(c) The Secretary shall establish a process by which a provider of community-based services whose financial condition places it at imminent risk of closure may seek extraordinary financial relief from the Agency.

(d) The Secretary shall redetermine the payment rates for providers of community-based services in accordance with this section at least annually and shall report those rates, and the amounts necessary to fund them, to the House Committees on Appropriations, on Human Services, and on Health Care and the Senate Committees on Appropriations and on Health and Welfare annually as part of the Agency's budget presentation.

Sec. 3. 18 V.S.A. § 8914 is amended to read:

§ 8914. RATES OF PAYMENTS TO DESIGNATED AND SPECIALIZED SERVICE AGENCIES

~~(a) The Secretary of Human Services shall have sole responsibility for establishing~~ determine the Departments of Health's, of Mental Health's, and of Disabilities, Aging, and Independent Living's rates of payments for designated and specialized service agencies ~~that are reasonable and adequate to achieve the required outcomes for designated populations in accordance with 33 V.S.A. § 911. When establishing rates of payment for designated and specialized service agencies, the Secretary shall adjust rates to take into account factors that include:~~

~~(1) the reasonable cost of any governmental mandate that has been enacted, adopted, or imposed by any State or federal authority; and~~

~~(2) a cost adjustment factor to reflect changes in reasonable costs of goods and services of designated and specialized service agencies, including those attributed to inflation and labor market dynamics.~~

~~(b) When establishing rates of payment for designated and specialized service agencies, the Secretary may consider geographic differences in wages, benefits, housing, and real estate costs in each region of the State.~~

Sec. 4. PAYMENT RATES FOR PROVIDERS OF COMMUNITY-BASED SERVICES; UPDATE ON IMPLEMENTATION; REPORT

On or before January 15, 2026, the Agency of Human Services shall report to the House Committees on Human Services and on Health Care and the Senate Committee on Health and Welfare with an update on the Agency's implementation of 33 V.S.A. § 911, as added by Sec. 2 of this act, including the Agency's proposed schedule for Medicaid rate studies and the methodology the Agency developed for determining payment rates for providers of community-based services.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to Medicaid payment rates for community-based service providers"

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

Senator Lyons, 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 Health and Welfare.

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.

Point of Privilege Journalized

During announcements, on a point of personal privilege, Senator Hardy addressed the Chair, and on motion of Senator Watson, her remarks were entered into the Journal and are as follows:

"Recently, Vermont has become a focal point for disturbing actions against international students. This includes ICE using Vermont as a stopping point

for the imprisonment of a Tufts University student, Rümeyşa Öztürk; the cancelation of a humanitarian parole program affecting two students at CVU; the arrest of Vermont resident and Columbia University student, Mohsen Mahdawi; and the unjustified visa revocation of a Middlebury College student.

“Over the past few weeks, an estimated 1,500 students from 250 colleges nationwide have had their visas revoked, mostly without notice or reason. What does this inhumane treatment of international students tell us about the value the U.S. government puts on positive relations with foreign countries? On the lives of young people? On education in the United States?”

“The United States has long been a destination for international college students and a popular place for high school exchange students. And while here, these students make lasting friendships and contribute deeply to their schools and communities. Some, like Mohsen Mahdawi, stay here with the dream of becoming citizens.

“There are about 35,000 college students in our state, most of them from places other than Vermont. Among my constituents are 2,500 students at Middlebury College, which bills itself as having “one of the most immersive and globally engaged experiences in higher education,” with hundreds of international students studying and dozens of international professors teaching on campus throughout the year.

“My district, our state, and our country have long been welcoming and encouraging to international students and professors. Yet now, the Trump Administration, with reckless and inhumane abandon, is severing the rights of international students, and entrapping and imprisoning these young people without cause or care.

“For the past 20 years, my family has been a local “host” family for Middlebury College international students, providing them a welcoming place to call home while they’re at college. These students have become like family to us, and we still keep in touch with each of them.

“My family also spent a year living in Göttingen, Germany where my husband earned a fellowship that brought together scholars from around the world. It was part of a decades-long program to repair the bonds between German universities and academics around the world after World War II and the horrors of facism.

“Now two of my daughters are studying and volunteering abroad, so I know what it’s like to send your child far away. I am sure that parents of international students studying here in the U.S. are fearing for the safety of their children in a way they never have before.

“We cannot turn our backs on students from other countries who come to Vermont to live and learn. After my time in a German university town, I know that among the first people the Nazis detained and evicted were students and professors. They drained universities and scarred institutions and academics with false accusations. That is exactly what we are seeing now in America. The dozens of international faculty members who are permanent residents in my district are scared they are next.

“We in Vermont cannot stand by quietly and let national leaders repeat fascist history. We must speak up and act to protect the rights and safety of international students and professors in our towns and on our campuses.”

Message from the House No. 47

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

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

S. 28. An act relating to access to certain legally protected health care services.

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

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 23, 2025.