

JOURNAL OF THE SENATE
OF THE
STATE OF VERMONT

ADJOURNED SESSION, 2022

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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 Department of Disabilities, Aging and Independent Living - 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 Board of Liquor and Lottery - 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 Board of Liquor and Lottery - 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 Board of Liquor and Lottery - 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 State Board of Education - from September 20, 2021 to February 28, 2023.

To the Committee on Education.

The nomination of

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

To the Committee on Education.

The nomination of

Kolbe, Tammy of Burlington - Member of the State Board of Education - 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 State Board of Health - 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 been referred to 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 Champion, 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.

WEDNESDAY, JANUARY 5, 2022

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

POINT OF PERSONAL PRIVILEGE JOURNALIZED

During announcements on a point of personal privilege, Senator Parent addressed the Chair, and on motion of Senator Balint, his remarks were ordered enter in the Journal, and are as follows:

“Madam President,

I rise on a point of personal privilege. I'd like to introduce all of you virtually to the newest member of the Parent Family. Sophie Dorothea Parent, a beautiful, healthy baby girl, joined our family on the morning of October 18, 2021. Her mother is doing well, her big brother is smitten by her, and she already has her dad wrapped around her finger.”

Bills Introduced

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

S. 192.

By Senators Clarkson, Hooker, Lyons, Pollina and Ram Hinsdale,
An act relating to creditable service for temporary State employment.
To the Committee on Government Operations.

S. 193.

By Senator Lyons,
An act relating to strategies for reducing prescription drug costs for
Vermonters.
To the Committee on Health and Welfare.

S. 194.

By Senators Hooker, Lyons, Chittenden, Perchlik, Pollina and Ram
Hinsdale,
An act relating to peer-operated respite centers.
To the Committee on Health and Welfare.

S. 195.

By Senators Hooker, Lyons, Chittenden, Hardy, Perchlik, Pollina and Ram
Hinsdale,
An act relating to the certification of mental health peer support specialists.
To the Committee on Health and Welfare.

S. 196.

By Senators Hooker, Chittenden, Collamore, Cummings, Hardy, Lyons,
Pollina, Ram Hinsdale, Starr and Terenzini,
An act relating to relocation assistance, tuition assistance, and loan
repayment for dental professionals.
To the Committee on Health and Welfare.

S. 197.

By Senator Lyons,
An act relating to the Coordinated Mental Health Crisis Response Working
Group.
To the Committee on Health and Welfare.

S. 198.

By Senators Lyons, Hooker and Ram Hinsdale,
An act relating to the Diaper Need Working Group.
To the Committee on Health and Welfare.

S. 199.

By Senators Brock, Clarkson, Ingalls and Terenzini,
An act relating to establishing criminal penalties for unemployment insurance fraud.
To the Committee on Judiciary.

**Rules Suspended; Bill Amended; Third Reading Ordered; Bill Passed;
Bill Messaged**

S. 172.

Appearing on the Calendar for notice, on motion of Senator Balint, the rules were suspended and Senate bill entitled:

An act relating to authorizing alternative procedures for 2022 annual municipal meetings in response to COVID-19.

Was taken up for immediate consideration.

Senator Collamore, for the Committee on Government Operations, to which the bill was referred, reported recommending that the bill be amended as follows:

First: In Sec. 1, (legislative findings, intent, and purpose), in subsection (a), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read:

(2) In 2021, the General Assembly enacted 2021 Acts and Resolves No. 60 to authorize the use of outdoor polling places and the mailing of ballots to all active registered voters in municipalities that use the Australian ballot system for local elections. However, the General Assembly finds that COVID-19 concerns persist regarding 2022 annual municipal meetings because many municipalities want to continue their custom of conducting annual meetings using floor votes.

Second: In Sec. 2, (annual meetings in the year 2022; alternative procedures), immediately following subsection (e), by inserting a subsection (f) to read:

(f) The provisions of 17 V.S.A. § 2680(e) shall apply to any municipality that votes to hold the 2022 annual municipal meeting by Australian ballot

pursuant to subsection (a) of this section. A municipality shall not warn any question on whether the municipality shall adopt the Australian ballot method of voting on a permanent basis, for any or all articles, for any subsequent municipal elections.

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.

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was placed on all remaining stages of its passage

Thereupon the bill was read the third time and passed:

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was ordered messaged to the House forthwith.

Standing Committee Appointed

The President, on behalf of the Committee on Committees, reported the appointment of the following standing committee:

Committee on Reapportionment

Senator White
Senator Collamore
Senator Clarkson
Senator Starr
Senator Pearson
Senator Perchlik
Senator Brock

Appointment of Senate Members to Joint Pension Oversight Committee

Pursuant to the provisions of 2 V.S.A. § 1001(b)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Pension Oversight Committee during this biennium:

Senator Kitchel
Senator Hooker
Senator Parent

Appointment of Senate Member to the Access Board

Pursuant to the provisions of 20 V.S.A. § 2901, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Access Board for a term of two years:

Senator McCormack, *designee*

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Thursday, January 6, 2022.

THURSDAY, JANUARY 6, 2022

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by Rabbi Tobie Weisman of Montpelier.

Bills Introduced

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

S. 200.

By Senator McCormack,

An act relating to Act 250 downtown master plan permits.

To the Committee on Natural Resources and Energy.

S. 201.

By Senator McCormack,

An act relating to the use of leghold traps.

To the Committee on Natural Resources and Energy.

S. 202.

By Senators Clarkson, Benning, Cummings and Ram Hinsdale,

An act relating to supporting creative sector businesses and cultural organizations.

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

S. 203.

By Senators Brock, Ingalls, Parent and Terenzini,

An act relating to workforce development.

To the Committee on Government Operations.

S. 204.

By Senators Lyons, Hooker, Hardy, Perchlik and Ram Hinsdale,
An act relating to licensure of freestanding birth centers.
To the Committee on Health and Welfare.

S. 205.

By Senators Brock, Ingalls and Parent,
An act relating to making certain reforms to Vermont's health care system.
To the Committee on Health and Welfare.

S. 206.

By Senators Brock, Hardy, Ingalls and Parent,
An act relating to planning for the care and treatment of patients with
cognitive impairments.
To the Committee on Health and Welfare.

Adjournment

On motion of Senator Balint, the Senate adjourned until eleven o'clock and
thirty minutes in the morning.

FRIDAY, JANUARY 7, 2022

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Peter Plagge of
Waterbury.

Bills Introduced

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

S. 207.

By Senators Brock, Balint, Collamore, Ingalls and Terenzini,
An act relating to creating the Zero Excuse Warranty Act.
To the Committee on Economic Development, Housing and General
Affairs.

S. 208.

By Senators Brock, Balint, Ingalls and Terenzini,

An act relating to fair disclosure of lodging rates and resort fees.

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

S. 209.

By Senators Brock, Balint, Collamore and Ingalls,

An act relating to reviving the Vermont Film Commission.

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

S. 210.

By Senators Sirotkin, Balint, Clarkson and Ram Hinsdale,

An act relating to rental housing health and safety and affordable housing.

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

S. 211.

By Senator Champion,

An act relating to creating the Vermont Teaching Careers Study Committee.

To the Committee on Education.

S. 212.

By Senators Pollina, Balint, Clarkson, Hardy, Hooker, Pearson and Perchlik,

An act relating to income-based education funding.

To the Committee on Finance.

S. 213.

By Senator Parent,

An act relating to payment options at electric vehicle supply equipment.

To the Committee on Transportation.

S. 214.

By Senator Westman,

An act relating to valuation of time-share projects.

To the Committee on Finance.

S. 215.

By Senator Westman,

An act relating to the cannabis wholesale gross receipts tax.

To the Committee on Finance.

S. 216.

By Senator Westman,

An act relating to the definition of "cider".

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

S. 217.

By Senator Westman,

An act relating to authorizing satellite tasting rooms for malt and vinous beverage manufacturers.

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

S. 218.

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

An act relating to prohibiting public bodies from discouraging public participation based on race.

To the Committee on Government Operations.

S. 219.

By Senator Champion,

An act relating to ensuring compliance with the U.S. and Vermont Constitutions in the use of public funds for tuition and in the dual enrollment program.

To the Committee on Education.

S. 220.

By Senator Parent,

An act relating to State-paid deputy sheriffs.

To the Committee on Government Operations.

S. 221.

By Senators Sirotkin, Balint, Clarkson, Pearson and Ram Hinsdale,

An act relating to unemployment insurance benefits.

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

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the the next legislative day:

S. 222.

By the Committee on Government Operations,

An act relating to authorizing temporary Open Meeting Law procedures in response to COVID-19.

**Rules Suspended; Third Reading Ordered, Rules Suspended; Bill Passed;
Bill Messaged**

S. 222.

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

An act relating to authorizing temporary Open Meeting Law procedures in response to COVID-19.

Was taken up for immediate consideration.

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

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was placed on all remaining stages of its passage forthwith.

Thereupon, the bill was read the third time and passed.

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was ordered messaged to the House forthwith.

Message from the House No. 2

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. 172. An act relating to authorizing alternative procedures for 2022 annual municipal meetings in response to COVID-19.

And has passed the same in concurrence, and has ordered the bill delivered to the Governor forthwith.

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

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

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

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

And has adopted the same in concurrence.

Adjournment

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, January 11, 2022, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 34.

TUESDAY, JANUARY 11, 2022

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Joan Javier-Duval of Montpelier.

Pledge of Allegiance

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

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 35.

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

By Senator Balint,

J.R.S. 35. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 14, 2022, it be to meet again no later than Tuesday, January 18, 2022.

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. 223.

By the Committee on Government Operations,

An act relating to authorizing temporary elections procedures for annual meetings in the year 2022.

S. 224.

By the Committee on Judiciary,

An act relating to juvenile proceedings.

Bills Introduced

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

S. 225.

By Senators Ram Hinsdale, Hardy, Hooker, Perchlik and Pollina,

An act relating to the Vermont Climate Corps.

To the Committee on Natural Resources and Energy.

S. 226.

By Senators Ram Hinsdale and Clarkson,

An act relating to expanding access to safe and affordable housing.

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

S. 227.

By Senators Ram Hinsdale and McCormack,

An act relating to an income tax exemption for federal Civil Service Retirement System income.

To the Committee on Finance.

S. 228.

By Senators Ram Hinsdale, Hardy, McCormack and Perchlik,

An act relating to prohibiting no-knock warrants.

To the Committee on Judiciary.

S. 229.

By Senators Ram Hinsdale, Balint, Baruth, Hooker, McCormack, Pearson, Perchlik and Pollina,

An act relating to ranked-choice voting.

To the Committee on Government Operations.

S. 230.

By Senators McCormack and Perchlik,

An act relating to criminal threatening of election officials, public employees, and public servants.

To the Committee on Judiciary.

S. 231.

By Senators Bray and Hardy,

An act relating to excessive motor vehicle noise.

To the Committee on Transportation.

S. 232.

By Senators Bray, Clarkson, Lyons and McCormack,

An act relating to the Renewable Energy Standard.

To the Committee on Natural Resources and Energy.

S. 233.

By Senators Bray, Clarkson, Hardy, Lyons, McCormack and Pearson,

An act relating to the Clean Heat Standard.

To the Committee on Finance.

**Rules Suspended; Third Reading Ordered, Rules Suspended; Bill Passed;
Bill Messaged**

S. 223.

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

An act relating to authorizing temporary elections procedures for annual meetings in the year 2022.

Was taken up for immediate consideration.

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

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was placed on all remaining stages of its passage forthwith.

Thereupon, the bill was read the third time and passed.

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was ordered messaged to the House forthwith.

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 12, 2022.

WEDNESDAY, JANUARY 12, 2022

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Jeff Fuller of Waterbury.

Senate Bill Recommitted

S. 101.

Senate bill entitled:

An act relating to promoting housing choice and opportunity in smart growth areas.

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator Sirotkin, the bill was recommitted to the Committee on Economic Development, Housing and General Affairs.

Senate Resolution Referred

S.R. 16.

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

Senate resolution urging the United States Postal Service to improve immediately the reliability and timeliness of its deliveries and requesting that Congress take any necessary legislative actions to effectuate this objective.

By Senator Sears, Balint, Campion, and White,

S.R. 16. Senate resolution urging the United States Postal Service to improve immediately the reliability and timeliness of its deliveries and requesting that Congress take any necessary legislative actions to effectuate this objective.

Whereas, even in the digital age, the United States Postal Service (USPS) remains essential for Vermonters and Vermont's economy, and

Whereas, the USPS is mandated to be self-sufficient while also prefunding its future retirees' health benefits far into the future, and

Whereas, to improve USPS revenues, U.S. Postmaster General Louis DeJoy and the Postal Board of Governors adopted a 10-year USPS transformation plan entitled "Delivering for America" which focuses more on profitability and less on timely service, and

Whereas, the 10-year plan includes an intentional slowing, from three to six days, of the USPS delivery standard for first class mail, and

Whereas, this standard is resulting in deteriorating postal service nationwide, as seen in the fact that approximately 92 percent of first-class mail was delivered on time in the first quarter of 2020 while, during the same period in 2021, that figure fell to 78 percent, and

Whereas, many Vermont communities, including Barre, Bennington, Marshfield, Montpelier, Pownal, Shaftsbury, Stowe, and Williston, have experienced extensive USPS delivery delays, and

Whereas, the late receipt of credit card and utility bills may result in damage to a person's credit rating or the suspension of a basic utility service, and

Whereas, the tardy arrival of critical medications sent via USPS could be life threatening, and

Whereas, the Bennington Post Office informed an individual that the delivery of packages would be delayed until the post office had the time and/or staff to deliver them, and a full workweek after a stated delivery date had passed the parcels still remained undelivered, and

Whereas, the shortcomings of the USPS are also impacting businesses such as Vermont News & Media, which publishes the *Bennington Banner*, the *Brattleboro Reformer*, and the *Manchester Journal*, and

Whereas, the company attributes the cancellation of over 200 newspaper subscriptions in Bennington and Windham Counties and an anticipated revenue loss of at least \$45,000 to the USPS, and this is merely one example

of the negative financial effects of USPS delivery delays on Vermont corporations, and

Whereas, the USPS's new "Delivering for America" plan is causing significant harm to the health and economic livelihoods of individuals and corporations in Vermont and nationally and should be immediately reassessed, and

Whereas, the postal problems Vermonters are encountering are due to flawed national USPS policies and are not the fault of the hard-working USPS employees in Vermont, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont urges the United States Postal Service to reassess its 10-year transformation plan with the goal of immediately restoring the reliability and timeliness of mail delivery to the standard that existed prior to the plan's implementation, *and be it further*

Resolved: That the Senate of the State of Vermont requests that Congress take any necessary legislative action, including revising the retiree health benefit prefunding requirement, to effectuate this objective, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to U.S. Postmaster General Louis DeJoy, the Postal Board of Governors, the Chair of the U.S. House Committee on Oversight and Reform's Subcommittee on Government Operations, the U.S. House and Senate Majority and Minority Leaders, and the Vermont Congressional Delegation.

Thereupon, the President, in her discretion, treated the joint resolution as a bill and referred it to the Committee on Government Operations.

Bills Introduced

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

S. 234.

By Senators Bray, Balint, Clarkson and Lyons,

An act relating to changes to Act 250.

To the Committee on Natural Resources and Energy.

S. 235.

By Senators Bray, Starr, Clarkson and Lyons,

An act relating to Act 250 jurisdiction over agricultural businesses.

To the Committee on Natural Resources and Energy.

S. 236.

By Senators Bray, Lyons, Clarkson, Hardy, McCormack and Pearson,
An act relating to extended producer responsibility for packaging and paper products.

To the Committee on Natural Resources and Energy.

S. 237.

By Senators Bray, Lyons, McCormack and Ram Hinsdale,
An act relating to surface water withdrawals and interbasin transfers.

To the Committee on Natural Resources and Energy.

S. 238.

By Senators Hooker, Balint, Hardy, Lyons, Pollina, Ram Hinsdale and Sirotkin,

An act relating to pharmacy benefit management.

To the Committee on Health and Welfare.

S. 239.

By Senators Hooker, Balint, Hardy, Lyons, Pollina and Ram Hinsdale,
An act relating to enrollment in Medicare supplemental insurance policies.

To the Committee on Health and Welfare.

S. 240.

By Senators Hooker, Pollina and Ram Hinsdale,

An act relating to patient financial assistance policies and medical debt protection.

To the Committee on Health and Welfare.

S. 241.

By Senators Hooker, Balint, Hardy, Pollina and Ram Hinsdale,
An act relating to achieving health equity across the health care system.

To the Committee on Health and Welfare.

S. 242.

By Senator Lyons,

An act relating to prescription drugs dispensed by a health insurer-designated pharmacy for administration to a patient in a health care setting.

To the Committee on Health and Welfare.

S. 243.

By Senators Lyons, Hardy, Sears and Sirotkin,

An act relating to implementation of an unused prescription drug repository program.

To the Committee on Health and Welfare.

S. 244.

By Senator Lyons,

An act relating to strengthening primary care and primary care providers.

To the Committee on Health and Welfare.

Senate Concurrent Resolution

The following joint concurrent resolution, 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, was adopted on the part of the Senate:

By Senators White and Balint,

By Reps. Partridge and others,

S.C.R. 10.

Senate concurrent resolution congratulating the 2021 Bellows Falls Union High School Terriers Division II championship varsity football team.

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 All Members of the House,

By All Members of the Senate,

H.C.R. 76.

House concurrent resolution congratulating Elle Purrier St. Pierre on her outstanding performance in the 2020 Olympics women's 1500-meter race.

By Reps. Hango and others,
By Senators Brock and Parent,

H.C.R. 77.

House concurrent resolution honoring Douglas Weld for his exemplary community service in the town of Berkshire.

By Reps. Marcotte and others,
By Senators Ingalls and Starr,

H.C.R. 78.

House concurrent resolution congratulating the successful rescue effort of Newport City Fire Chief John Harlamert and retired Chief Robert (RJ) George.

By Reps. Mattos and others,

H.C.R. 79.

House concurrent resolution congratulating the 2021 Milton High School Yellowjackets Division II boys' varsity soccer team.

By Reps. Burke and others,
By Senators Balint and White,

H.C.R. 80.

House concurrent resolution honoring former Brattleboro Town Manager Peter Elwell for his outstanding municipal public service.

By Reps. Donahue and others,

H.C.R. 81.

House concurrent resolution in memory and recognition of Henry A. LaGue Jr. of Berlin.

By Reps. Shaw and others,

H.C.R. 82.

House concurrent resolution honoring former Brandon Police Lieutenant Rodney Pulsifer for his exemplary law enforcement career.

By Reps. Burke and others,
By Senators Balint and White,

H.C.R. 83.

House concurrent resolution honoring former Brattleboro Public Works Director Stephen Barrett for his outstanding municipal public service.

By Reps. Burke and others,

By Senators Balint and White,

H.C.R. 84.

House concurrent resolution honoring the civic contributions of John H. and Mary F. Carnahan to the community life of Brattleboro.

By Reps. Stevens and others,

H.C.R. 85.

House concurrent resolution designating January 20, 2022, as Homelessness Awareness Day in Vermont.

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Thursday, January 13, 2022.

THURSDAY, JANUARY 13, 2022

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Diane Nancekivell of Middlebury.

Message from the House No. 3

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. 222. An act relating to authorizing temporary Open Meeting Law procedures in response to COVID-19.

And has passed the same in concurrence.

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

H.C.R. 76. House concurrent resolution congratulating Elle Purrier St. Pierre on her outstanding performance in the 2020 Olympics women's 1500-meter race.

H.C.R. 77. House concurrent resolution honoring Douglas Weld for his exemplary community service in the town of Berkshire.

H.C.R. 78. House concurrent resolution congratulating the successful rescue effort of Newport City Fire Chief John Harlamert and retired Chief Robert (RJ) George.

H.C.R. 79. House concurrent resolution congratulating the 2021 Milton High School Yellowjackets Division II boys' varsity soccer team.

H.C.R. 80. House concurrent resolution honoring former Brattleboro Town Manager Peter Elwell for his outstanding municipal public service.

H.C.R. 81. House concurrent resolution in memory and recognition of Henry A. LaGue Jr. of Berlin.

H.C.R. 82. House concurrent resolution honoring former Brandon Police Lieutenant Rodney Pulsifer for his exemplary law enforcement career.

H.C.R. 83. House concurrent resolution honoring former Brattleboro Public Works Director Stephen Barrett for his outstanding municipal public service.

H.C.R. 84. House concurrent resolution honoring the civic contributions of John H. and Mary F. Carnahan to the community life of Brattleboro.

H.C.R. 85. House concurrent resolution designating January 20, 2022, as Homelessness Awareness Day in Vermont.

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

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

S.C.R. 10. Senate concurrent resolution congratulating the 2021 Bellows Falls Union High School Terriers Division II championship varsity football team.

And has adopted the same in concurrence.

Consideration Postponed Until February 1, 2022

Senate bill entitled:

S. 79.

An act relating to improving rental housing health and safety.

Was taken up.

Thereupon, pending consideration of the Governor's veto, Senator Sirotkin moved that consideration of the bill be postponed until Tuesday, February 1, 2022, which was agreed to.

Bills Introduced

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

S. 245.

By Senator Hooker,

An act relating to a secure facility for justice-involved youth.

To the Committee on Institutions.

S. 246.

By Senators Hooker, Ram Hinsdale and Sirotkin,

An act relating to miscellaneous workers' compensation amendments.

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

S. 247.

By Senators Lyons, Hardy, Hooker and Ram Hinsdale,

An act relating to prohibiting discrimination based on genetic information.

To the Committee on Finance.

S. 248.

By Senators Hooker, Pollina, Ram Hinsdale and Terenzini,

An act relating to the governance of the Vermont State Colleges and the University of Vermont.

To the Committee on Education.

S. 249.

By Senators Nitka and Clarkson,

An act relating to increasing gradually the mandatory age of school attendance.

To the Committee on Education.

S. 250.

By Senator Ram Hinsdale,

An act relating to enhanced administrative and judicial accountability of law enforcement officers.

To the Committee on Judiciary.

S. 251.

By Senators Clarkson, Pearson, Pollina and Ram Hinsdale,

An act relating to divestment of State pension funds from fossil fuel companies.

To the Committee on Government Operations.

S. 252.

By Senators Ram Hinsdale, Balint, Clarkson, Collamore, Hooker, Terenzini and Westman,

An act relating to a direct-to-consumer spirits shipping license.

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

S. 253.

By Senators Ram Hinsdale and Chittenden,

An act relating to the management of perpetual care funds by cemetery associations.

To the Committee on Finance.

S. 254.

By Senators Sears, Balint, Baruth and Ram Hinsdale,

An act relating to creating a private right of action against law enforcement officers for violating rights established under Vermont law.

To the Committee on Judiciary.

Adjournment

On motion of Senator Balint, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, JANUARY 14, 2022

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. 4

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. 223. An act relating to authorizing temporary elections procedures for annual meetings in the year 2022.

And has passed the same in concurrence.

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

J.R.S. 35. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bills Introduced

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

S. 255.

By Senators Pearson, Lyons and Sirotkin,

An act relating to regulating consumer fees for communications equipment.

To the Committee on Finance.

S. 256.

By Senators Sirotkin, Balint and Benning,

An act relating to applying the discovery rule to civil actions relating to warranty claims in common interest communities.

To the Committee on Judiciary.

S. 257.

By Senators Pearson, Brock, Clarkson and Hooker,

An act relating to limitations on hospital liens.

To the Committee on Judiciary.

S. 258.

By Senators Pearson and Pollina,

An act relating to amending the Required Agricultural Practices in order to address climate resiliency.

To the Committee on Agriculture.

S. 259.

By Senator Collamore,

An act relating to the reorganization, enhancement, and enforcement of animal welfare requirements in the State.

To the Committee on Agriculture.

S. 260.

By Senator Pearson,

An act relating to eliminating certain exemptions from the minimum wage.

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

S. 261.

By Senator Parent,

An act relating to municipal retention of property tax collections.

To the Committee on Finance.

S. 262.

By Senators Pearson, Clarkson, Hardy, Hooker and Sirotkin,

An act relating to creating a right to repair personal electronic devices.

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

S. 263.

By Senators Clarkson and Balint,

An act relating to supporting economic development.

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

Third Reading Ordered**S. 224.**

Senate committee bill entitled:

An act relating to juvenile proceedings.

Having appeared on the Calendar for notice for one day, was taken up.

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

Adjournment

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, January 18, 2022, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 35.

TUESDAY, JANUARY 18, 2022

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.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam President:

I am directed by the Governor to inform the Senate that on the fourteenth day of January, 2022, he approved and signed a bill originating in the Senate of the following title:

S. 172. An act relating to authorizing alternative procedures for 2022 annual municipal meetings in response to COVID-19.

Joint Senate Resolution Adopted on the Part of the Senate**J.R.S. 36.**

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

By Senator Balint,

J.R.S. 36. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 21, 2022, it be to meet again no later than Tuesday, January 25, 2022.

Bills Introduced

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

S. 264.

By Senators Balint, Clarkson, Hardy, Lyons, MacDonald, Pearson and Perchlik,

An act relating to the Renewable Energy Standard.

To the Committee on Natural Resources and Energy.

S. 265.

By Senators Clarkson, Sears, Balint, Cummings, MacDonald, McCormack and Perchlik,

An act relating to expanding criminal threatening to include threats to third persons.

To the Committee on Judiciary.

S. 266.

By Senators Ram Hinsdale, Hardy and Perchlik,

An act relating to substance use disorder treatment and overdose prevention.

To the Committee on Judiciary.

S. 267.

By Senators Lyons, Champion, Baruth, McCormack and Ram Hinsdale,

An act relating to regulating cosmetic products containing certain chemicals and chemical classes and prohibiting the installation of athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances.

To the Committee on Health and Welfare.

S. 268.

By Senators Parent, Brock and Starr,
An act relating to the right to farm.
To the Committee on Judiciary.

S. 269.

By Senators Parent and Brock,
An act relating to extending the Energy Savings Account Partnership Pilot Program.
To the Committee on Finance.

S. 270.

By Senators Brock, Benning, Collamore, Ingalls, Parent and Terenzini,
An act relating to Vermont Housing Regulation Modernization.
To the Committee on Natural Resources and Energy.

S. 271.

By Senator Parent,
An act relating to considerations in hospital sustainability planning.
To the Committee on Health and Welfare.

S. 272.

By Senators Bray, Clarkson, Hardy, Lyons and McCormack,
An act relating to entities required to comply with Vermont's renewable energy programs.
To the Committee on Natural Resources and Energy.

Bill Passed**S. 224.**

Senate committee bill of the following title was read the third time and passed:

An act relating to juvenile proceedings.

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 19, 2022.

WEDNESDAY, JANUARY 19, 2022

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam President:

I am directed by the Governor to inform the Senate that on the eighteenth day of January, 2022, he approved and signed bills originating in the Senate of the following titles:

S. 222. An act relating to authorizing temporary Open Meeting Law procedures in response to COVID-19.

S. 223. An act relating to authorizing temporary elections procedures for annual meetings in the year 2022.

Bills Introduced

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

S. 273.

By Senators Bray, Baruth, Chittenden, Hardy and Ram Hinsdale,
An act relating to amending a birth certificate to reflect gender identity.
To the Committee on Health and Welfare.

S. 274.

By Senator Parent,
An act relating to joint meetings of town and village legislative bodies.
To the Committee on Government Operations.

S. 275.

By Senators Pearson, Baruth, Benning, Clarkson, Lyons, Pollina and Ram Hinsdale,

An act relating to providing adoptees with access to adoption agency records.

To the Committee on Judiciary.

S. 276.

By Senator MacDonald,

An act relating to requirements for drivers who are elders to renew operator's licenses.

To the Committee on Transportation.

S. 277.

By Senator MacDonald,

An act relating to motor vehicle efficiency feebates.

To the Committee on Transportation.

S. 278.

By Senators Parent and Brock,

An act relating to airport expansion and primary agricultural soil mitigation.

To the Committee on Natural Resources and Energy.

S. 279.

By Senator Ram Hinsdale,

An act relating to inadmissibility of statements gained by the use of deception by law enforcement during a custodial interrogation.

To the Committee on Judiciary.

Appointment of Senate Members to Joint Fiscal Committee

Pursuant to the provisions of 2 V.S.A. § 501, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Fiscal Committee for terms of two years ending February 1, 2023:

Senator Cummings, *ex officio*

Senator Sears

Senator Kitchel, *ex officio*

[Senator Balint]

Senator Westman

Senator Baruth

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Thursday, January 20, 2022.

THURSDAY, JANUARY 20, 2022

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Ed Sunday-Winters of Greensboro.

Message from the House No. 5

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. 589. An act relating to reapportioning the initial districts of the House of Representatives.

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

The House has adopted joint resolution of the following title:

J.R.H. 12. Joint resolution amending the application of temporary Joint Rule 22A.

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. 36. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Committee Relieved of Further Consideration; Bill Committed**S. 273.**

On motion of Senator Lyons, the Committee on Health and Welfare was relieved of further consideration of Senate bill entitled:

An act relating to amending a birth certificate to reflect gender identity, and the bill was committed to the Committee on Government Operations.

Joint Resolution Adopted in Concurrence**J.R.H. 12.**

Joint resolution originating in the House of the following title was read and adopted in concurrence and is as follows:

Joint resolution amending the application of 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~~ Temporary 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~~ A member of a joint committee may debate and vote remotely in that committee if the member confirms with the committee's chair or co-chairs, as applicable, that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances.

(b) ~~The authority of the Joint Rules Committee under this Rule 22A terminates on January 18, 2022~~ is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the General Assembly and joint committees.

(c) The remote authority set forth in this rule shall remain in effect through Tuesday, February 1, 2022.

(d) Notwithstanding the provisions of subsection ~~(b)~~ (c) 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.

Bill Referred

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

H. 589.

An act relating to reapportioning the initial districts of the House of Representatives.

To the Committee on Reapportionment.

Adjournment

On motion of Senator Balint, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, JANUARY 21, 2022

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Stannard Baker of Burlington.

Message from the House No. 6

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 House bills of the following titles:

H. 74. An act relating to making miscellaneous changes concerning self-storage businesses.

H. 627. An act relating to the Vermont Economic Development Authority.

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

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

H. 157. An act relating to registration of construction contractors.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

Committee Relieved of Further Consideration; Bill Committed**S. 250.**

On motion of Senator Sears, the Committee on Judiciary was relieved of further consideration of Senate bill entitled:

An act relating to enhanced administrative and judicial accountability of law enforcement officers,

and the bill was committed to the Committee on Government Operations.

Bill Referred to Committee on Finance**S. 210.**

Senate 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 rental housing health and safety and affordable housing.

Bills Referred

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

H. 74.

An act relating to making miscellaneous changes concerning self-storage businesses.

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

H. 627.

An act relating to the Vermont Economic Development Authority.

To the Committee on Finance.

Bills Amended; Third Readings Ordered

S. 74.

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

An act relating to modifications to Vermont's patient choice at end of life laws.

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

Sec. 1. 18 V.S.A. § 5281 is amended to read:

§ 5281. DEFINITIONS

As used in this chapter:

* * *

(11) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(12) "Telemedicine" means the delivery of health care services such as diagnosis, consultation, or treatment through the use of live interactive audio and video over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

Sec. 2. 18 V.S.A. § 5283 is amended to read:

§ 5283. REQUIREMENTS FOR PRESCRIPTION AND DOCUMENTATION; IMMUNITY

(a) A physician shall not be subject to any civil or criminal liability or professional disciplinary action if the physician prescribes to a patient with a terminal condition medication to be self-administered for the purpose of hastening the patient's death and the physician affirms by documenting in the patient's medical record that all of the following occurred:

(1) The patient made an oral request to the physician in the physician's physical presence or by telemedicine, if the physician determines the use of telemedicine to be clinically appropriate, for medication to be self-administered for the purpose of hastening the patient's death.

(2) ~~Not~~ Not fewer than 15 days after the first oral request, the patient made a second oral request to the physician in the physician's physical presence or by telemedicine, if the physician determines the use of telemedicine to be clinically appropriate, for medication to be self-administered for the purpose of hastening the patient's death.

* * *

(5) The physician determined that the patient:

(A) was suffering a terminal condition, based on the physician's ~~physical examination of the patient and~~ review of the patient's relevant medical records and a physician's physical examination of the patient;

(B) was capable;

(C) was making an informed decision;

(D) had made a voluntary request for medication to hasten ~~his or her~~ the patient's own death; and

(E) was a Vermont resident.

(6) The physician informed the patient in person or by telemedicine, both verbally and in writing, of all the following:

* * *

(12) The physician wrote the prescription ~~no fewer than 48 hours~~ after the last to occur of the following events:

(A) the patient's written request for medication to hasten ~~his or her~~ the patient's own death;

(B) the patient's second oral request; ~~or~~ and

(C) the physician's offering the patient an opportunity to rescind the request.

(13) The physician either:

(A) dispensed the medication directly, provided that at the time the physician dispensed the medication, ~~he or she~~ the physician was licensed to dispense medication in Vermont, had a current Drug Enforcement Administration certificate, and complied with any applicable administrative rules; or

* * *

(14) The physician recorded and filed the following in the patient's medical record:

(A) the date, time, and wording of all oral requests of the patient for medication to hasten ~~his or her~~ the patient's own death;

(B) all written requests by the patient for medication to hasten ~~his or her~~ the patient's own death;

(C) the physician's diagnosis, prognosis, and basis for the determination that the patient was capable, was acting voluntarily, and had made an informed decision;

(D) the second physician's diagnosis, prognosis, and verification that the patient was capable, was acting voluntarily, and had made an informed decision;

(E) the physician's attestation that the patient was enrolled in hospice care at the time of the patient's oral and written requests for medication to hasten ~~his or her~~ the patient's own death or that the physician informed the patient of all feasible end-of-life services;

* * *

Sec. 3. 18 V.S.A. § 5285 is amended to read:

§ 5285. LIMITATIONS ON ACTIONS

* * *

(c) No physician, nurse, pharmacist, or other person licensed, certified, or otherwise authorized by law to deliver health care services in this State shall be subject to civil or criminal liability or professional disciplinary action for acting in good faith compliance with the provisions of this chapter.

(d) Except as otherwise provided in this section and sections 5283, 5289, and 5290 of this title, nothing in this chapter shall be construed to limit liability for civil damages resulting from negligent conduct or intentional misconduct by any person.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

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.

S. 183.

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

An act relating to midpoint probation review.

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

Sec. 1. 28 V.S.A. § 252 is amended to read:

§ 252. CONDITIONS OF PROBATION AND MIDPOINT REVIEW

* * *

(d) Review and recommendation for discharge.

(1) The Commissioner shall review the record of each probationer serving a specified term during the month prior to the midpoint of that probationer's specified term and shall file a motion requesting the sentencing court to dismiss the probationer from probation if the offender:

(A) has not been found by the court to have violated the conditions of probation in the six months prior to the review;

(B) is not serving a sentence for committing a crime specified in 13 V.S.A. chapter 19, subchapters 6 and 7; 13 V.S.A. chapter 72, subchapter 1; or 13 V.S.A. § 2602; and

(C) has completed those rehabilitative or risk reduction services required as a condition of probation that have a duration that is set and knowable at the outset of probation.

(2) If the probationer does not meet the criteria set forth in subdivision (1) of this subsection, ~~or if the court denies the Commissioner's motion to discharge,~~ the Commissioner shall file a motion requesting the sentencing court to discharge the probation term once the probationer meets the criteria set forth in subdivision (1) of this subsection.

(3) If a probationer meets the criteria set forth in subdivision (1) of this subsection and is subject to a pending criminal charge or violation of probation complaint, the Commissioner may file a motion requesting the sentencing court to dismiss the probationer from probation pursuant to this subsection. The motion shall identify the pending criminal charge or probation violation.

After any pending criminal charges and probation violations are resolved, and if the probationer still meets the criteria set forth in subdivisions (1) of this subsection, the Commissioner shall file the motion requesting the sentencing court to dismiss the probationer from probation.

(3)(4) The prosecutor shall make a reasonable effort to notify any victim of record of a motion filed to reduce a probationer's term pursuant to this subsection. "Reasonable effort" means attempting to contact the victim by first-class mail at the victim's last known address and by telephone at the victim's last known phone number.

(5) Notwithstanding 1 V.S.A. § 214, and notwithstanding the requirement in subdivision (1) of this subsection that the Commissioner review the probationer's record during the month prior to the midpoint of that probationer's specified term, this subsection shall apply retroactively to any probationer serving a specified term of probation. If the probationer has already reached the midpoint of that probationer's specified term on or before the effective date of this act, the Commissioner shall review the probationer's record as soon as possible for purposes of filing a motion pursuant to this section.

Sec. 2. 28 V.S.A. § 251 is amended to read:

§ 251. DURATION OF PROBATION

(a) The court placing a person on probation may terminate the period of probation and discharge the person at any time if such termination is warranted by the conduct of the offender and the ends of justice.

(b)(1) Upon the Commissioner's motion to discharge pursuant to subsection 252(d) of this title, the sentencing court shall terminate the period of probation and discharge the person at the midpoint of the probation term unless the prosecutor seeks a continuation of probation within 21 days of following receipt of notice of the Commissioner's motion; and:

(A) the court finds by a preponderance of the evidence that termination and discharge will present a risk of danger to the victim of the offense or to the community; or

(B) the court finds by clear and convincing evidence that the probationer is not substantially in compliance with the conditions of probation that are related to the probationer's rehabilitation or to victim or community safety.

(2) If the court grants the prosecutor's motion to continue probation, it may continue probation for the full term or any portion thereof. The court shall also review the conditions of probation and remove any conditions that are no longer necessary for the remainder of the term.

(3) Notwithstanding 1 V.S.A. § 214, this subsection shall apply retroactively to any probationer serving a specified term of probation.

(c) A probationer shall not be deemed ineligible for discharge or term reduction due to unpaid restitution, fees, or surcharges.

Sec. 3. EFFECTIVE DATE

This act shall take effect on March 31, 2022.

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.

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

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

Was confirmed by the Senate.

Message from the House No. 7

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. 86. House concurrent resolution designating January 2022 as School Board Recognition Month in Vermont.

H.C.R. 87. House concurrent resolution recognizing January 25, 2022, as Mentoring Day at the General Assembly.

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

S.C.R. 11. Senate concurrent resolution honoring John Shannahan for his exemplary leadership of the Better Bennington Corporation.

And has adopted the same in concurrence.

Senate Concurrent Resolution

The following joint concurrent resolution, 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, was adopted on the part of the Senate:

By Senators Campion and Sears,

By Reps. Corcoran and others,

S.C.R. 11.

Senate concurrent resolution honoring John Shannahan for his exemplary leadership of the Better Bennington Corporation.

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. Conlon and others,

H.C.R. 86.

House concurrent resolution designating January 2022 as School Board Recognition Month in Vermont.

By the Committee on Education,

H.C.R. 87.

House concurrent resolution recognizing January 25, 2022, as Mentoring Day at the General Assembly.

Adjournment

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, January 25, 2022, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 36.

TUESDAY, JANUARY 25, 2022

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Julian Asucan of Montpelier.

Pledge of Allegiance

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

Joint Senate Resolution Adopted on the Part of the Senate**J.R.S. 37.**

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

By Senator Balint,

J.R.S. 37. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 28, 2022, it be to meet again no later than Tuesday, February 1, 2022.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 74. An act relating to modifications to Vermont's patient choice at end of life laws.

S. 183. An act relating to midpoint probation review.

Rules Suspended; Third Reading Ordered; Rules Suspended; Bill Passed in Concurrence; Bill Messaged**H. 589.**

Appearing on the Calendar for notice, on motion of Senator Balint, the rules were suspended and House bill entitled:

An act relating to reapportioning the initial districts of the House of Representatives.

Was taken up for immediate consideration.

Senator Collamore, for the Committee on Reapportionment, to which the bill was referred, 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.

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

Thereupon, the bill was read the third time and passed in concurrence.

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was ordered messaged to the House forthwith.

Message from the House No. 8

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. 679. An act relating to fiscal year 2022 budget adjustments.

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

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

S. 78. An act relating to binding interest arbitration for employees of the Vermont Judiciary.

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 Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 26, 2022.

WEDNESDAY, JANUARY 26, 2022

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bills Referred to Committee on Appropriations

Senate bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee on Appropriations:

S. 169. An act relating to education property tax overpayments by a municipality or school district.

S. 210. An act relating to rental housing health and safety and affordable housing.

Bill Referred

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

H. 679.

An act relating to fiscal year 2022 budget adjustments.

To the Committee on Appropriations.

**House Proposals of Amendment to Senate Proposal of Amendment
Concurred In****H. 157.**

House proposals of amendment to Senate proposal of amendment to House bill entitled:

An act relating to registration of construction contractors.

Were taken up.

The House concurs in the Senate proposal of amendment with further amendment thereto as follows:

First: In Sec. 2, 3 V.S.A. § 122, by striking out “(50)” and inserting in lieu thereof (51)

Second: By striking out Secs. 3–7 in their entireties and inserting in lieu thereof new Secs. 3–7 to read as follows:

Sec. 3. 26 V.S.A. chapter 106 is added to read:

CHAPTER 106. RESIDENTIAL CONTRACTORS**Subchapter 1. General Provisions****§ 5501. REGISTRATION REQUIRED**

(a) A person shall register with the Office of Professional Regulation prior to contracting with a homeowner to perform residential construction in exchange for consideration of more than \$3,500.00, including labor and materials.

(b) Unless otherwise exempt under section 5502 of this title, as used in this chapter, “residential construction” means to build, demolish, or alter a residential dwelling unit, or a building or premises with four or fewer residential dwelling units, in this State, and includes interior and exterior construction, renovation, and repair; painting; paving; roofing; weatherization; installation or repair of heating, plumbing, solar, electrical, water, or wastewater systems; and other activities the Office specifies by rule consistent with this chapter.

§ 5502. EXEMPTIONS

This chapter does not apply to:

- (1) an employee acting within the scope of his or her employment for a

business organization registered under this chapter;

(2)(A) a professional engineer, licensed architect, or a tradesperson licensed, registered, or certified by the Department of Public Safety acting within the scope of his or her license, registration, or certification; or

(B) a business that performs residential construction if the work is performed primarily by or under the direct supervision of one or more employees who are individually exempt from registration under subdivision (2)(A) of this section;

(3) delivery or installation of consumer appliances, audio-visual equipment, telephone equipment, or computer network equipment;

(4) landscaping;

(5) work on a structure that is not attached to a residential building; or

(6) work that would otherwise require registration that a person performs in response to an emergency, provided the person applies for registration within a reasonable time after performing the work.

§ 5503. MANDATORY REGISTRATION AND VOLUNTARY CERTIFICATION DISTINGUISHED

(a)(1) The system of mandatory registration established by this chapter is intended to protect against fraud, deception, breach of contract, and violations of law, but is not intended to establish standards for professional qualifications or workmanship that is otherwise lawful.

(2) The provisions of 3 V.S.A. § 129a, with respect to a registration, shall be construed in a manner consistent with the limitations of this subsection.

(b) The system of voluntary certification established in this chapter is intended to provide consumers and contractors with a publicly available, noncommercial venue for contractors to list optional approved certifications. The Director of Professional Regulation, in consultation with public safety officials and recognized associations or boards of builders, remodelers, architects, and engineers, may:

(1) adopt rules providing for the issuance of voluntary certifications, as defined in subdivision 3101a(1) of this title, that signify demonstrated competence in particular subfields and specialties related to residential construction;

(2) establish minimum qualifications, and standards for performance and conduct, necessary for certification; and

(3) discipline a certificant for violating adopted standards or other law, with or without affecting the underlying registration.

Subchapter 2. Administration§ 5505. DUTIES OF THE DIRECTOR

(a) The Director of Professional Regulation shall:

(1) provide information to the public concerning registration, certification, appeal procedures, and complaint procedures;

(2) administer fees established under this chapter;

(3) receive applications for registration or certification, issue registrations and certifications to applicants qualified under this chapter, deny or renew registrations or certifications, and issue, revoke, suspend, condition, and reinstate registrations and certifications as ordered by an administrative law officer; and

(4) prepare and maintain a registry of registrants and certificants.

(b) The Director, after consultation with an advisor appointed pursuant to section 5506 of this title, may adopt rules to implement this chapter.

§ 5506. ADVISORS

(a) The Secretary of State shall appoint two persons pursuant to 3 V.S.A. § 129b to serve as advisors in matters relating to residential contractors and construction.

(b) To be eligible to serve, an advisor shall:

(1) register under this chapter;

(2) have at least three years' experience in residential construction immediately preceding appointment; and

(3) remain active in the profession during his or her service.

(c) The Director of Professional Regulation shall seek the advice of the advisors in implementing this chapter.

§ 5507. FEES

A person regulated under this chapter shall pay the following fees at initial application and biennial renewal:

(1) Registration, individual: \$75.00.

(2) Registration, business organization: \$250.00.

(3) State certifications: \$75.00 for a first certification and \$25.00 for each additional certification.

Subchapter 3. Registrations§ 5508. ELIGIBILITY

To be eligible for registration, the Director of Professional Regulation shall find that the applicant is in compliance with the provisions of this chapter and applicable State law and has satisfied any judgment order related to the provision of professional services to a homeowner.

§ 5509. REQUIREMENTS OF REGISTRANTS

(a) Insurance. A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$300,000.00 per claim and \$1,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

(b) Writing.

(1) A person registered under this chapter shall execute a written contract prior to receiving a deposit or commencing residential construction work if the estimated value of the labor and materials exceeds \$3,500.00.

(2) A contract shall specify:

(A) Price. One of the following provisions for the price of the contract:

(i) a maximum price for all work and materials;

(ii) a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price; or

(iii) a statement that billing and payment will be made on a time and materials basis and that there is no maximum price.

(B) Work dates. Estimated start and completion dates.

(C) Scope of work. A description of the services to be performed and a description of the materials to be used.

(D) Change order provision. A description of how and when amendments to the contract may be approved and documented, as agreed by the parties.

(3) The parties shall document an amendment to the contract in a signed writing.

(c) Down payment.

(1) If a contract specifies a maximum price for all work and materials or a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price, the contract may require a down

payment of up to one-half of the cost of labor to the consumer, or one-half of the price of materials, whichever is greater.

(2) If a contract specifies that billing and payment will be made on a time and materials basis and that there is no maximum price, the contract may require a down payment as negotiated by the parties.

§ 5510. PROHIBITIONS AND REMEDIES

(a) A person who does not register as required pursuant to this chapter may be subject to an injunction or a civil penalty, or both, for unauthorized practice as provided in 3 V.S.A. § 127(b).

(b) The Office of Professional Regulation may discipline a registrant or certificant for unprofessional conduct as provided in 3 V.S.A. § 129a, except that 3 V.S.A. § 129a(b) does not apply to a registrant.

(c) The following conduct by a registrant, certificant, applicant, or person who later becomes an applicant constitutes unprofessional conduct:

(1) failure to enter into a written contract when required by this chapter;

(2) failure to maintain liability or workers' compensation insurance as required by law;

(3) committing a deceptive act in commerce in violation of 9 V.S.A. § 2453;

(4) falsely claiming certification under this chapter, provided that this subdivision does not prevent accurate and nonmisleading advertising or statements related to credentials that are not offered by this State; and

(5) selling or fraudulently obtaining or furnishing a certificate of registration, certification, license, or any other related document or record, or assisting another person in doing so, including by reincorporating or altering a trade name for the purpose or with the effect of evading or masking revocation, suspension, or discipline against a registration issued under this chapter.

Sec. 4. IMPLEMENTATION

(a) Notwithstanding any contrary provision of 26 V.S.A. chapter 106:

(1) The initial biennial registration term for residential contractors pursuant to 26 V.S.A. chapter 106 shall begin on April 1, 2023.

(2) The Secretary of State may begin receiving applications for the initial registration term on December 1, 2022.

(3)(A) The registration fee for individuals who submit complete registration requests between December 1, 2022 and March 31, 2023 is \$25.00

and between April 1, 2023 and March 31, 2024, the fee is \$50.00.

(B) The registration fee for business organizations that submit complete registration requests between December 1, 2022 and March 31, 2023 is \$175.00 and between April 1, 2023 and March 31, 2024, the fee is \$200.00.

(4) Prior to April 1, 2024, the Office of Professional Regulation shall not take any enforcement action for unauthorized practice under 26 V.S.A. § 5510(a) against a residential contractor who fails to register as required by this act.

(b) On or before July 1, 2023, the Director of Professional Regulation shall establish an initial set of voluntary certifications, to include at minimum OSHA standards on construction projects and components of energy-efficient “green” building for insulators, carpenters, and heating and ventilation installers.

Sec. 5. CREATION OF POSITIONS WITHIN THE OFFICE OF PROFESSIONAL REGULATION; LICENSING

(a) There are created within the Secretary of State’s Office of Professional Regulation one new position in licensing and one new position in enforcement.

(b) In fiscal year 2023, the amount of \$200,000.00 in Office of Professional Regulation special funds is appropriated to the Secretary of State to fund the positions created in subsection (a) of this section.

Sec. 6. SECRETARY OF STATE; STATUS REPORT

On or before January 15, 2024, the Office of Professional Regulation shall report to the House Committees on General, Housing, and Military Affairs and on Government Operations and to the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations concerning the implementation of 26 V.S.A. chapter 106, including:

- (1) the number of registrations and certifications;
- (2) the resources necessary to implement the chapter;
- (3) the number and nature of any complaints or enforcement actions;
- (4) the potential design and implementation of a one-stop portal for contractors and consumers; and
- (5) any other issues the Office deems appropriate.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

Third Reading Ordered

H. 454.

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

An act relating to approval of an amendment 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.

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Thursday, January 27, 2022.

THURSDAY, JANUARY 27, 2022

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kenzan of East Calais.

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 the next legislative day:

S. 280.

By the Committee on Transportation,

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

S. 281.

By the Committee on Natural Resources and Energy,

An act relating to hunting coyotes with dogs.

S. 282.

By the Committee on Natural Resources and Energy,
An act relating to the regulation of food depackaging facilities.

S. 283.

By the Committee on Education,
An act relating to miscellaneous changes to education laws.

S. 284.

By the Committee on Natural Resources and Energy,
An act relating to weatherization.

Bill Passed in Concurrence**H. 454.**

House bill of the following title was read the third time and passed in concurrence:

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

Rules Suspended; Bill Committed**S. 281.**

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

An act relating to hunting coyotes with dogs.

Was taken up for immediate consideration.

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

S. 282.

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

An act relating to the regulation of food depackaging facilities.

Was taken up for immediate consideration.

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

S. 284.

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

An act relating to weatherization.

Was taken up for immediate consideration.

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

Adjournment

On motion of Senator Balint, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, JANUARY 28, 2022

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. 9

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. 37. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Message from the House No. 10

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 joint resolution of the following title:

J.R.H. 13. Joint resolution extending the application of temporary Joint Rule 22A.

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

Message from the House No. 11

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. 654. An act relating to extending COVID-19 health care regulatory flexibility.

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

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

H.C.R. 88. House concurrent resolution congratulating the 2021 St. Johnsbury Academy Hilltoppers Division I boys' cross-country championship team.

H.C.R. 89. House concurrent resolution congratulating St. Johnsbury Academy Hilltopper Evan Thornton-Sherman on winning the 2021 individual boys' Division I cross-country running championship.

H.C.R. 90. House concurrent resolution congratulating the Essex High School Hornets 2021 Division I championship varsity football team.

H.C.R. 91. House concurrent resolution congratulating Iris Hsiang on winning the 2021 Rights & Democracy Human Rights Award for Vermont.

H.C.R. 92. House concurrent resolution congratulating the Essex High School Hornets 2021 Division I championship boys' varsity soccer team.

H.C.R. 93. House concurrent resolution congratulating the 2021 Thetford Academy Panthers Division III girls' cross-country championship team.

H.C.R. 94. House concurrent resolution in memory of Robert D. Bates.

H.C.R. 95. House concurrent resolution congratulating the 2021 Essex High School Hornets State championship girls' varsity volleyball team.

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

Rules Suspended; Bill Committed

Appearing on the Calendar for notice, on motion of Senator Campion the rules were suspended and Senate Committee bill entitled:

S. 283. An act relating to miscellaneous changes to education laws.

Was taken up for immediate consideration.

Thereupon, on motion of Senator Campion the bill was committed to the Committee on Education.

Joint Resolution Adopted in Concurrence

J.R.H. 13.

Joint resolution originating in the House of the following title was read and adopted in concurrence and is as follows:

Joint resolution extending the application of 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. Temporary Rule Regarding Joint Committee Meetings

(a) A member of a joint committee may debate and vote remotely in that committee if the member confirms with the committee's chair or co-chairs, as applicable, that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances.

(b) The Joint Rules Committee is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the General Assembly and joint committees.

(c) The remote authority set forth in this rule shall remain in effect through Tuesday, February 15, 2022.

(d) Notwithstanding the provisions of subsection (c) 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 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.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 285.

By the Committee on Health and Welfare,

An act relating to expanding the Blueprint for Health and access to home- and community-based services.

Bill Referred

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

H. 654.

An act relating to extending COVID-19 health care regulatory flexibility.
To the Committee on Health and Welfare.

House Proposal of Amendment Concurred In**S. 78.**

House proposal of amendment to Senate bill entitled:

An act relating to binding interest arbitration for employees of the Vermont Judiciary.

Was taken up.

The House proposes to the Senate to amend the bill by striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2022 and shall apply to contract negotiations that commence after that date.

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

Rules Suspended; Bill Committed**S. 285.**

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

An act relating to expanding the Blueprint for Health and access to home- and community-based services.

Was taken up for immediate consideration.

Thereupon, on motion of Senator Lyons, the bill was committed to the Committee on Health and Welfare.

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. Beck and others,

By Senators Kitchel and Benning,

H.C.R. 88.

House concurrent resolution congratulating the 2021 St. Johnsbury Academy Hilltoppers Division I boys' cross-country championship team.

By Reps. Beck and others,

By Senators Kitchel and Benning,

H.C.R. 89.

House concurrent resolution congratulating St. Johnsbury Academy Hilltopper Evan Thornton-Sherman on winning the 2021 individual boys' Division I cross-country running championship.

By Reps. Dolan and others,

H.C.R. 90.

House concurrent resolution congratulating the Essex High School Hornets 2021 Division I championship varsity football team.

By Reps. Vyhovsky and others,

H.C.R. 91.

House concurrent resolution congratulating Iris Hsiang on winning the 2021 Rights & Democracy Human Rights Award for Vermont.

By Reps. Black and others,

H.C.R. 92.

House concurrent resolution congratulating the Essex High School Hornets 2021 Division I championship boys' varsity soccer team.

By Reps. Masland and Briglin,

H.C.R. 93.

House concurrent resolution congratulating the 2021 Thetford Academy Panthers Division III girls' cross-country championship team.

By Reps. Vyhovsky and others,

H.C.R. 94.

House concurrent resolution in memory of Robert D. Bates.