

# Journal of the Senate

TUESDAY, MARCH 9, 2021

The Senate was called to order by the President.

## **Devotional Exercises**

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

## **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

Holmes, Jessica, Dr. of Cornwall - Member of the Green Mountain Care Board - from September 30, 2020 to September 30, 2026.

To the Committee on Health and Welfare.

The nomination of

Bolio, Craig of Essex Junction - Commissioner of the Department of Taxes - from March 1, 2021 to February 28, 2023.

To the Committee on Finance.

The nomination of

Brown, Sean P. of Washington - Commissioner, Department of Children and Families - from March 1, 2021 to February 28, 2023.

To the Committee on Health and Welfare.

The nomination of

Fastiggi, Mary E. of Burlington - Commissioner, Department of Human Resources - from March 1, 2021 to February 28, 2023.

To the Committee on Government Operations.

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The nomination of

Fitch, Jennifer M. of Montpelier - Commissioner, Department of Buildings and General Services - from March 1, 2021 to February 28, 2023.

To the Committee on Institutions.

The nomination of

Flynn, Joseph of South Hero - Secretary, Agency of Transportation - from March 1, 2021 to February 28, 2023.

To the Committee on Transportation.

The nomination of

French, Daniel M. of Manchester Center - Secretary, Agency of Education - from March 1, 2021 to February 28, 2023.

To the Committee on Education.

The nomination of

Goldstein, Joan of Royalton - Commissioner, Department of Economic Development - from March 1, 2021 to February 28, 2023.

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

The nomination of

Greshin, Adam of Warren - Commissioner, Department of Finance and Management - from March 1, 2021 to February 28, 2023.

To the Committee on Government Operations.

The nomination of

Gustafson, Cory G. of Montpelier - Commissioner, Department of Vermont Health Access - from March 1, 2021 to February 28, 2023.

To the Committee on Health and Welfare.

The nomination of

Hanford, Joshua C. of Randolph Center - Commissioner, Department of Housing and Community Development - from March 1, 2021 to February 28, 2023.

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

The nomination of

Harrington, Michael A. of Middlesex - Commissioner, Department of Labor - from March 1, 2021 to February 28, 2023.

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

The nomination of

Kurrle, Lindsay H. of Middlesex - Secretary, Agency of Commerce and Community Development - from March 1, 2021 to February 28, 2023.

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

The nomination of

Levine, Mark A., M.D. of Shelburne - Commissioner, Department of Health - from March 1, 2021 to February 28, 2023.

To the Committee on Health and Welfare.

The nomination of

Minoli, Wanda L. of Montpelier - Commissioner, Department of Motor Vehicles - from March 1, 2021 to February 28, 2023.

To the Committee on Transportation.

The nomination of

Moore, Julia S. of Middlesex - Secretary, Agency of Natural Resources - from March 1, 2021 to February 28, 2023.

To the Committee on Natural Resources and Energy.

The nomination of

Pelham, Heather of Randolph - Commissioner, Department of Tourism and Marketing - from March 1, 2021 to February 28, 2023.

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

The nomination of

Pieciak, Michael of Winooski - Commissioner, Department of Financial Regulation - from March 1, 2021 to February 28, 2023.

To the Committee on Finance.

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The nomination of

Porter, Louis P. of Adamant - Commissioner, Department of Fish and Wildlife - from March 1, 2021 to February 28, 2023.

To the Committee on Natural Resources and Energy.

The nomination of

Quinn, John J., III of Berlin - Secretary, Agency of Digital Services - from March 1, 2021 to February 28, 2023.

To the Committee on Government Operations.

The nomination of

Schirling, Michael of Burlington - Commissioner, Department of Public Safety - from March 1, 2021 to February 28, 2023.

To the Committee on Transportation.

The nomination of

Smith, Michael K. of Westford - Secretary, Agency of Human Services - from March 1, 2021 to February 28, 2023.

To the Committee on Health and Welfare.

The nomination of

Snyder, Michael C. of Stowe - Commissioner, Department of Forests, Parks and Recreation - from March 1, 2021 to February 28, 2023.

To the Committee on Natural Resources and Energy.

The nomination of

Squirrel, Sarah of Waterbury Center - Commissioner, Department of Mental Health - from March 1, 2021 to February 28, 2023.

To the Committee on Health and Welfare.

The nomination of

Tebbetts, Anson B. of Marshfield - Secretary, Agency of Agriculture, Food and Markets - from March 1, 2021 to February 28, 2023.

To the Committee on Agriculture.

The nomination of

Tierney, June of Randolph - Commissioner, Department of Public Service - from March 1, 2021 to February 28, 2023.

To the Committee on Finance.

The nomination of

Walke, Peter of Montpelier - Commissioner, Department of Environmental Conservation - from March 1, 2021 to February 28, 2023.

To the Committee on Natural Resources and Energy.

The nomination of

Young, Susanne R. of Northfield - Secretary, Agency of Administration - from March 1, 2021 to February 28, 2023.

To the Committee on Government Operations.

### **Bill Referred to Committee on Finance**

#### **S. 48.**

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 Vermont's adoption of the interstate Nurse Licensure Compact.

### **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. 15.** An act relating to correcting defective ballots.

**S. 16.** An act relating to the creation of the School Discipline Advisory Council.

### **Joint Senate Resolution Adopted on the Part of the Senate**

#### **J.R.S. 17.**

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. 17.** Joint resolution relating to weekend adjournment.

#### ***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, March 12, 2021, it be to meet again no later than Tuesday, March 16, 2021.

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**Joint Resolution Placed on Calendar****J.R.S. 18.**

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

By Senator Nitka,

**J.R.S. 18.** Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and three Magistrates.

*Whereas*, declarations have been submitted by the following two Superior Judges that they be retained for another six-year term, Judge Brian J. Grearson, and Judge Nancy J. Waples and three Magistrates that they be retained for another six year term, Magistrate Christine A. (Doremus) Hoyt, Magistrate Joseph M. Lorman and Magistrate Brian Valentine, and

*Whereas*, the procedures of the Joint Committee on Judicial Retention require at least one public hearing and the review of information provided by each candidate and the comments of members of the Vermont bar and the public, and

*Whereas*, the Committee was unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 11, 2021, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 18, 2021, the date specified in subsection 10(b) of Title 2, and

*Whereas*, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, and

*Whereas*, Vermont has been declared by the Governor to be in a State of Emergency as a result of a pandemic known as “COVID-19”; and

*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; and

*Whereas*, technology exists which would enable the General Assembly to conduct a Joint Assembly during this time of a declared emergency in a manner: consistent with public access to, and transparency of, its proceedings, as demanded by the Vermont Constitution; and, consistent with and in compliance with statutory and legislative rule requirements regarding Judicial Retention, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, March 25, 2021, at ten o'clock and thirty minutes in the forenoon to vote on the retention of two Superior Judges and three Magistrate, *and be it further*

**Resolved:** That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location; that voting by ballot shall be conducted, as practicable, consistent with Vermont's "Early or Absentee Voters" statute at 17 V.S.A. §2531, et seq.; that after the reports of the Committee on Judicial Retention, the Joint Assembly shall recess until Thursday, April 1, 2021 at 2:00 P.M. (or as otherwise ordered by the Joint Assembly) so that ballots may be submitted; and, that upon reconvening the results of the vote shall be announced or the Joint Assembly shall proceed until the above is completed.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

#### **Bills Introduced**

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

##### **S. 103.**

By Senator Sears,

An act relating to immunity from liability for a person reporting a crime.

To the Committee on Judiciary.

##### **S. 104.**

By Senators Ram, Chittenden and Parent,

An act relating to the education of military families.

To the Committee on Education.

##### **S. 105.**

By Senators Ram, Chittenden and Parent,

An act relating to purple star school programs.

To the Committee on Education.

##### **S. 106.**

By Senators Sirotkin and Brock,

An act relating to the livestream of legislative proceedings of the General Assembly and lobbying regulations.

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To the Committee on Government Operations.

**S. 107.**

By Senators White, Clarkson, Pollina and Ram,

An act relating to confidential information concerning the initial arrest and charge of a juvenile.

To the Committee on Judiciary.

**S. 108.**

By Senator Sears,

An act relating to establishing the Bureau of Racial Justice Statistics and the Bureau of Racial Justice Statistics Advisory Panel.

To the Committee on Judiciary.

**S. 109.**

By Senators Bray, Campion, Clarkson, Hardy, McCormack, Pearson, Perchlik and Sirotkin,

An act relating to the Vermonters' Enhanced Energy Savings Act.

To the Committee on Natural Resources and Energy.

**S. 110.**

By Senator Sirotkin,

An act relating to extending eligibility for Pandemic Emergency Unemployment Compensation.

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

**S. 111.**

By Senators Ram, Campion and Sears,

An act relating to local option taxes.

To the Committee on Finance.

**S. 112.**

By Senators Collamore, Benning, Brock and Ingalls,

An act relating to proposed changes to Act 250.

To the Committee on Natural Resources and Energy.

**S. 113.**

By Senators Sears and Campion,

An act relating to establishing a cause of action for medical monitoring expenses.

To the Committee on Judiciary.

**Bill Referred**

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

**H. 135.**

An act relating to the State Ethics Commission.

To the Committee on Government Operations.

**Bill Passed****S. 53.**

Senate bill of the following title:

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

Was read the third time and passed on a roll call, Yeas 30, Nays 0.

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

**Roll Call**

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

**Those Senators who voted in the negative were:** None.

**Adjournment**

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, March 10, 2021.