

# Journal of the Senate

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TUESDAY, FEBRUARY 14, 2017

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.

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

### **J.R.S. 16.**

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

By Senator Ashe,

**J.R.S. 16.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, February 17, 2017, it be to meet again no later than Tuesday, February 21, 2017.

## **Joint Resolution Referred**

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

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

By Senators Pearson, Ayer, Benning, Clarkson, Sirotkin, and White,

**J.R.S. 17.** Joint resolution rescinding the General Assembly's request, contained in 2014 Acts and Resolves No. R-454, for Congress to convene a U.S. Constitutional Convention.

*Whereas*, during the 2013–2014 Biennium, the General Assembly adopted 2014 Acts and Resolves No. R-454, “Joint resolution relating to an application of the General Assembly for Congress to call a convention for proposing amendments to the U.S. Constitution,” and

*Whereas*, the specific purpose of this resolution was to help establish a mandate, in accordance with the provisions of Article V of the U.S. Constitution, for Congress to call a convention to amend the U.S. Constitution for the exclusive purpose of reversing the U.S. Supreme Court decision in *Citizens United v Federal Election Commission*, 130 S.Ct. 876 (2010), and

*Whereas*, supporters of 2014 Acts and Resolves No. R-454 may not favor other amendments that have also been proposed for a constitutional convention's consideration, and

*Whereas*, the specific agenda for a prospective constitutional convention called in accordance with the provisions of Article V remains uncertain, *now therefore be it*

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

That the General Assembly rescinds its call, contained in 2014 Acts and Resolves No. R-454, for Congress to convene a U.S. Constitutional Convention, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to the vice president of the United States; the president pro tempore and the secretary of the Senate of the United States; the Speaker and Clerk of the House of Representatives of the United States; the archivist of the United States; and the Vermont Congressional Delegation.

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

**Bills Introduced**

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

**S. 82.**

By Senators Sirotkin, Cummings, Ayer, Balint, Clarkson, Ingram and Pearson,

An act relating to paid family leave.

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

**S. 83.**

By Senators Ingram, Baruth, Brooks, McCormack and Pollina,

An act relating to Indigenous Peoples' Day.

To the Committee on Government Operations.

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**Bills Passed**

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

**S. 10.** An act relating to liability for the contamination of potable water supplies.

**S. 18.** An act relating to freedom of expression for students.

**S. 33.** An act relating to the Rozo McLaughlin Farm-to-School Program.

**S. 60.** An act relating to the repeal of 21 V.S.A. § 6.

**Third Reading Ordered****S. 38.**

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

An act relating to the Government Accountability Committee and the State Outcomes Report.

Reported that the bill ought to pass.

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

**Bill Amended; Third Reading Ordered****S. 13.**

Senator Ayer, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to fees and costs allowed at a tax sale.

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

Sec. 32 V.S.A. § 5258 is amended to read:

§ 5258. FEES AND COSTS ALLOWED AFTER WARRANT AND LEVY RECORDED

(a) The fees and costs allowed after the warrant and levy for delinquent taxes have been recorded shall be as follows:

(1) Levy ~~levy~~ and extending of warrant, \$10.00;

(2) recording levy and extending of warrant in the town clerk's office, \$10.00, to be paid to the town clerk;

(3) notices and publication of ~~notice~~ notices, actual costs incurred; ~~and~~

(4) expenses actually and reasonably incurred by the town in securing a property for which property taxes are delinquent against illegal activity and fire hazards, to be paid to the town clerk, provided that the expenses shall not exceed 20 percent of the uncollected tax;

(5) when authorized by the selectboard, expenses actually and reasonably incurred by the tax collector for legal assistance in the preparation for or conduct of said a tax sale when authorized by the selectboard, provided that such the expenses shall not exceed 15 percent of the uncollected tax;

(6) travel, reimbursement at the rate established by the contract governing State employees;

(7) attending and holding the sale, \$10.00;

(8) making return \$10.00 and recording same the return in the town clerk's office, \$10.00, to be paid to the town clerk \$10.00;

(9) collector's deed, \$30.00;

(b) which the fees and costs allowed in subsection (a) of this section, together with the a collector's fee of up to eight percent, shall be in lieu of any or all other fees and costs permitted or allowed by law.

Sec. 2. 32 V.S.A. § 5252 is amended to read:

§ 5252. LEVY AND NOTICE OF SALE; SECURING PROPERTY

(a) When the collector of taxes of a town or of a municipality within it has for collection a tax assessed against real estate in the town and the taxpayer is delinquent, the collector may extend a warrant on such land. If a collector receives notice from a mobile home park owner pursuant to 10 V.S.A. § 6248(c), the collector shall, within 15 days of the notice, commence tax sale proceedings to hold a tax sale within 60 days of the notice. If the collector fails to initiate such proceedings, the town may initiate tax sale proceedings only after complying with 10 V.S.A. § 6249(f). If the tax collector extends the warrant, the collector shall:

\* \* \*

(5) Post a notice of such sale in some public place in the town.

(b) If the warrant and levy for delinquent taxes has been recorded pursuant to subsection (a) of this section, the municipality in which the real estate lies may secure the property against illegal activity and potential fire hazards after giving the mortgagee or lien holder of record written notice at least 10 days prior to such action.

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**Sec. 3. EFFECTIVE DATE**

This act shall take effect on July 1, 2017.

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.

**House Concurrent Resolution Adopted in Concurrence with Proposal of Amendment**

**H.C.R. 35.**

House Concurrent Resolution entitled:

House concurrent resolution commemorating the 240th anniversary of the Battle of Hubbardton.

Was taken up.

Thereupon, pending adoption of the concurrent resolution Senators Campion and Sears moved that the Senate propose to the House to amend the resolution by striking out the last Whereas clause (the 8th) in its entirety and at the end of the 7th Whereas clause by striking out the word "and" and inserting in lieu thereof the words now therefore be it

Which was agreed to.

Thereupon, the concurrent resolution was adopted in concurrence with proposal of amendment.

**Appointments Confirmed**

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

The nomination of

Buckley, Katherine of Guilford - Commissioner, Department of Housing and Community Development - January 5, 2017, to February 28, 2017.

Buckley, Katherine of Guilford - Commissioner, Department of Housing and Community Development - March 1, 2017, to February 28, 2019.

Were collectively confirmed by the Senate.

The nomination of

Schirling, Michael of Burlington - Secretary, Commerce and Community Development, Agency of - January 5, 2017, to February 28, 2017.

Was confirmed by the Senate.

The nomination of

Schirling, Michael of Burlington - Secretary, Agency of Commerce and Community Development - March 1, 2017, to February 28, 2019.

Was confirmed by the Senate on a roll call Yeas 29, Nays 0.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brooks, Campion, Clarkson, Collamore, Cummings, Degree, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pearson, Pollina, Rodgers, Sears, Starr, Westman, White.

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

**The Senator absent and not voting was:** Sirotkin.

The nomination of

Kurrle, Lindsay of Middlesex - Commissioner, Department of Labor - January 5, 2017, to February 28, 2017.

Kurrle, Lindsay of Middlesex - Commissioner, Department of Labor - March 1, 2017, to February 28, 2019.

Were collectively confirmed by the Senate.

#### **Committee Relieved of Further Consideration; Bill Committed**

#### **S. 19.**

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

An act relating to preserving the out-of-pocket limit for prescription drugs in bronze-level Exchange plans,

and the bill was committed to the Committee on Finance.

#### **Message from the House No. 19**

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

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**H. 143.** An act relating to automobile insurance requirements and transportation network companies.

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

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 15, 2017.