

Senate Calendar

TUESDAY, MARCH 14, 2017

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ACTION CALENDAR

NEW BUSINESS

Second Reading

Favorable

S. 39.

An act relating to the repeal of the crime of obtaining maps and plans while at war.

Reported favorably by Senator Benning for the Committee on Judiciary.

(Committee vote: 4-0-1)

Favorable with Recommendation of Amendment

S. 72.

An act relating to requiring telemarketers to provide accurate caller identification information.

Reported favorably with recommendation of amendment by Senator Campion for the Committee on Finance.

The Committee recommends that the bill be amended in Sec. 1, in 9 V.S.A. chapter 63, subchapter 1, in § 2464a(b), by striking out subdivision (3) in its entirety and inserting in lieu thereof a new subdivision (3) to read:

(3) No person, telephone solicitor, or telemarketer engaged in a telephone solicitation shall cause a caller identification service to transmit misleading, inaccurate, or false caller identification information, provided that the person, telephone solicitor, or telemarketer may substitute the name and telephone number of the person on whose behalf he or she places the call.

(Committee vote: 6-0-1)

NOTICE CALENDAR

Committee Bill for Second Reading

S. 112.

An act relating to creating the Spousal Support and Maintenance Task Force.

By the Committee on Judiciary.

Second Reading

Favorable with Recommendation of Amendment

S. 20.

An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older.

Reported favorably with recommendation of amendment by Senator Rodgers for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1 10 V.S.A. § 4255(c) is amended to read:

(c) A permanent or free license may be secured on application to the Department by a person qualifying as follows:

(1) A Vermont resident ~~70~~ 66 years of age or older may receive one or all of the following licenses at ~~no cost~~ for \$60.00:

(A) a permanent fishing license;

(B) if the person qualifies for a hunting license, a permanent combination fishing and hunting license, which shall include all big game licenses, except for a moose license;

(C) if the person qualifies for a trapping license, a permanent trapping license; and

(D) if the person qualifies for an archery license, ~~an~~ a permanent archery license.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2018.

And that after passage the title of the bill be amended to read:

“An act relating to permanent licenses for persons 66 years of age or older”

(Committee vote: 4-0-1)

Reported favorably by Senator Degree for the Committee on Finance.

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Natural Resources and Energy.

(Committee vote: 6-0-1)

S. 44.

An act relating to shared candidate campaign expenditures.

Reported favorably with recommendation of amendment by Senator Pearson for the Committee on Government Operations.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2944 is amended to read:

§ 2944. ACCOUNTABILITY FOR RELATED EXPENDITURES

(a) A related campaign expenditure made on a candidate's behalf shall be considered a contribution to the candidate on whose behalf it was made.

(b) As used in this section, a "related campaign expenditure made on the candidate's behalf" means any expenditure intended to promote the election of a specific candidate or group of candidates or the defeat of an opposing candidate or group of candidates if intentionally facilitated by, solicited by, or approved by the candidate or the candidate's committee.

(c)(1) An expenditure made by a political party or by a political committee that recruits or endorses candidates that primarily benefits six or fewer candidates who are associated with the political party or political committee making the expenditure is presumed to be a related expenditure made on behalf of those candidates, except that the acquisition, use, or dissemination of the images of those candidates by the political party or political committee shall not be presumed to be a related expenditure made on behalf of those candidates.

(2) An expenditure made by a political party or by a political committee that recruits or endorses candidates that substantially benefits more than six candidates and facilitates party or political committee functions, voter turnout, platform promotion, or organizational capacity shall not be presumed to be a related expenditure made on a candidate's behalf.

(d)(1) As used in this section, an expenditure by a person shall not be considered a "related expenditure made on the candidate's behalf" if all:

(1)(A) All of the following apply:

(A)(i) the expenditure was made in connection with a campaign event whose purpose was to provide a group of voters with the opportunity to meet a candidate;

(B)(ii) the expenditure was made for:

(i)(I) invitations and any postage for those invitations to invite

voters to the event; or

~~(ii)~~(II) any food or beverages consumed at the event and any related supplies thereof; and

~~(C)~~(iii) the cumulative value of any expenditure by the person made under this subsection does not exceed \$500.00 per event.

~~(2)~~(B) For the purposes of this ~~subsection~~ subdivision (1):

~~(A)~~(i) if the cumulative value of any expenditure by a person made under this subsection exceeds \$500.00 per event, the amount equal to the difference between the two shall be considered a “related expenditure made on the candidate’s behalf”; and

~~(B)~~(ii) any reimbursement to the person by the candidate for the costs of the expenditure shall be subtracted from the cumulative value of the expenditures.

(2) All of the following apply:

(A) the expenditure is for an electioneering communication that promotes or supports all of the candidates who are named or pictured in it and no others, and those candidates:

(i) have filed or been nominated as described in subdivision 2901(1)(B) of this chapter for a legislative, county, or local office;

(ii) are on the same ballot for the same election; and

(iii) each make an expenditure for the electioneering communication of an equal amount in order to share the cost of the electioneering communication equally; and

(B) no other person has made an expenditure for the electioneering communication.

(e)(1) A candidate may seek a determination that an expenditure is a related expenditure made on behalf of an opposing candidate by filing a petition with the Superior Court of the county in which either candidate resides.

(2) Within 24 hours of the filing of a petition, the ~~Court~~ court shall schedule the petition for hearing. Except as to cases the ~~Court~~ court considers of greater importance, proceedings before the Superior Court, as authorized by this section, and appeals from there take precedence on the docket over all other cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(3) The findings and determination of the ~~Court~~ court shall be prima

facie evidence in any proceedings brought for violation of this chapter.

(f) The Secretary of State may adopt rules necessary to administer the provisions of this section.

Sec. 2. 17 V.S.A. § 2971 is amended to read:

§ 2971. REPORT OF MASS MEDIA ACTIVITIES

(a)(1) In addition to any other reports required to be filed under this chapter, a person who makes expenditures for any one mass media activity totaling \$500.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within the timeframe of 45 days before a primary, through the date of a general, county, election or within the timeframe of 45 days before a local election through the date of that local election shall, for each activity, file a mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each such candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other such candidate by mail.

(3) The mass media report shall be filed and the copy of the report shall be sent within 24 hours of the expenditure or activity, whichever occurs first. For the purposes of this section, a person shall be treated as having made an expenditure if the person has executed a contract to make the expenditure.

~~(b)(4)~~ (4) The report shall identify the person who made the expenditure; the name of each candidate whose name or likeness was included in the activity; the amount and date of the expenditure; to whom it was paid; and the purpose of the expenditure.

(b) [Reserved.]

(c) ~~If the a mass media activity described in this section occurs within 45 days before the election and the timeframe described in subdivision (a)(1) or (d)(1) of this section but the expenditure was previously reported prior to that timeframe,~~ an additional report shall be required under this section.

(d)(1) In addition to the reporting requirements of subsection (a) of this section, an independent expenditure-only political committee that makes an expenditure for any one mass media activity totaling \$5,000.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within the timeframe of 45 days before a primary, through the date of a general, county, election or within the timeframe of 45 days before a local election through the date of that local election shall, for each such activity and within 24 hours of the expenditure or activity,

whichever occurs first, file an independent expenditure-only political committee mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each such candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other such candidate by mail.

(3) The report shall include all of the information required under ~~subsection (b)~~ subdivision (a)(4) of this section, as well as the names of the contributors, dates, and amounts for all contributions in excess of \$100.00 accepted since the filing of the committee's last report.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that after passage the title of the bill be amended to read:

“An act relating to shared candidate campaign expenditures and to the report of mass media activities”

(Committee vote: 5-0-0)

Senate Resolution for Notice

S.R. 8.

Senate resolution relating to adoption of a temporary Rule 44A.

PENDING QUESTION: Shall the resolution be adopted?

(For text of resolution, see Senate Journal for Friday, March 3, 2017, page 239)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Julia Moore of Middlesex – Secretary, Agency of Natural Resources (term 1/5/17 - 2/28/17) - By Sen. Pearson for the Committee on Natural Resources and Energy. (3/15/17)

Julia Moore of Middlesex – Secretary, Agency of Natural Resources (term 3/1/17 - 2/28/19) - By Sen. Pearson for the Committee on Natural Resources and Energy. (3/15/17)

Louis Porter of Adamant – Commissioner, Department of Fish and Wildlife (term 1/5/17 – 2/28/17) – By Sen. Rodgers for the Committee on Natural Resources and Energy. (3/15/17)

Louis Porter of Adamant – Commissioner, Department of Fish and Wildlife (term 3/1/17 – 2/28/19) – By Sen. Rodgers for the Committee on Natural Resources and Energy. (3/15/17)

FOR INFORMATION ONLY

CROSS OVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 17, 2017**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 24, 2017**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Miscellaneous Tax Bill).