

Journal of the Senate

FRIDAY, JANUARY 24, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

Message from the Governor

A message was received from His Excellency, the Governor, by Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the twenty-third day of January, 2014 he approved and signed a bill originating in the Senate of the following title:

S. 82. An act relating to campaign finance law.

Message from the House No. 8

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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:

H. 559. An act relating to membership on the Building Bright Futures Council.

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

Upon reconsideration the House has considered Senate proposal of amendment to House bill of the following title:

H. 524. An act relating to making technical amendments to education laws.

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

Message from the House No. 9

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

Mr. President:

I am directed to inform the Senate that:

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 41. An act relating to water and sewer service.

And has adopted the same on its part.

The House has adopted joint resolutions of the following titles:

H.C.R. 190. House concurrent resolution congratulating the Twin Valley High School Wildcats 2013 Division IV championship boys' soccer team.

H.C.R. 191. House concurrent resolution honoring Dr. Fred Holmes and documentary filmmaker Bess O'Brien for their efforts to address youth opiate addiction in Vermont.

H.C.R. 192. House concurrent resolution honoring David Palmer for his public service in Central Vermont.

H.C.R. 193. House concurrent resolution congratulating the 2013 Essex High School Hornets championship boys' volleyball club.

H.C.R. 194. House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship field hockey team.

H.C.R. 195. House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship boys' track and field team.

H.C.R. 196. House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship girls' track and field team.

H.C.R. 197. House concurrent resolution congratulating the 2013 Woodstock Union High School Wasps Division III championship football team.

H.C.R. 198. House concurrent resolution congratulating Eileen Rossetti on being named a 2013 Vermont Outstanding Teacher.

H.C.R. 199. House concurrent resolution congratulating Michael Coyle on his selection as the 2013 Washington West Supervisory Union Teacher of the Year.

H.C.R. 200. House concurrent resolution congratulating Meg Allison on being named a 2013 Vermont Outstanding Teacher.

H.C.R. 201. House concurrent resolution congratulating the Stoweflake Mountain Resort & Spa on its golden anniversary.

H.C.R. 202. House concurrent resolution congratulating the Golden Eagle Resort on its 50th anniversary.

H.C.R. 203. House concurrent resolution recognizing the commitment of Cape Air to serving Rutland.

H.C.R. 204. House concurrent resolution recognizing the important health care contribution of nurse anesthetists in Vermont.

H.C.R. 205. House concurrent resolution congratulating Shelby Meunier of Swanton on her participation in the 2013 Macy's Thanksgiving Day Parade Great American Marching Band.

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

Rules Suspended; Bill Committed

S. 299.

Senate bill entitled:

An act relating to service of malt beverages by the glass.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Economic Development, Housing and General Affairs, Senator Ashe moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Finance with the report of the Committee on Economic Development, Housing and General Affairs *intact*,

Which was agreed to.

Bill Referred

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

H. 559.

An act relating to membership on the Building Bright Futures Council.

To the Committee on Government Operations.

Bill Amended; Third Reading Ordered**S. 260.**

Senator Collins, for the Committee on Economic Development, Housing and General Affairs, to which was referred Senate bill entitled:

An act relating to malt and vinous beverage tastings.

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

Sec. 1. PURPOSE

The purpose of this act is to allow wholesale dealers to offer tastings of malt or vinous beverages to the management and staff of businesses who have applied for first- or second-class licenses but have yet to receive the license from the Department of Liquor Control, provided that the local control commission has approved the liquor license. This will enable the management of new businesses to taste and choose malt or vinous beverages and to print their menus and otherwise make the start-up of their businesses easier.

Sec. 2. 7 V.S.A. § 67 is amended to read:

§ 67. ALCOHOLIC BEVERAGE TASTINGS; PERMIT; PENALTIES

* * *

(d) Promotional alcoholic beverage tasting:

* * *

(4) Upon receipt of a first- or second-class application by the Department, a holder of a wholesale dealer's license may dispense malt or vinous beverages for promotional purposes without charge to invited management and staff of a business that has applied for a first- or second-class license, provided they are of legal drinking age. The event shall be held on the premises of the first- or second-class applicant. The first- or second-class applicant shall be responsible for complying with all applicable laws under this title. No malt or vinous beverages shall be left behind. No permit is required under this subdivision, but the wholesale dealer shall provide written notice of the event to the Department at least five days prior to the date of the tasting. The Department shall post notice of the pending application on its website.

* * *

Sec. 3. 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.

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

Holcombe, Rebecca of Norwich - Secretary, Education, Agency of - January 2, 2014, to February 28, 2015.

Was confirmed by the Senate on a roll call, Yeas 28, Nays 0.

Senator Collins 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, Baruth, Benning, Bray, Campbell, Collins, Cummings, Doyle, Flory, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Snelling, Starr, White, and Zuckerman.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Fox (deceased), Westman.

Appointment Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, the following Gubernatorial appointment was confirmed by the Senate, without report given by the Committee to which it was referred and without debate:

Flynn, Sarah of Burlington - Member, Community High School of Vermont Board - October 9, 2013, to February 28, 2015.

Remarks of Senator Kitchel Journalized

Senator Kitchel rose to a point of personal privilege and delivered the following remarks, which, on motion of Senator Collins, were ordered entered in the Journal, and are as follows:

“Mr. President:

“Last year this Legislature approved funding to expand free school lunches to Vermont students from families of limited income who would otherwise have to pay a portion of the cost. This expansion of free lunches was a priority

for our former colleague, Senator Sally Fox. Yesterday the Committee on Appropriations was provided testimony that as a result of this funding, for which Senator Fox was such a strong advocate, an additional 6000 Vermont students are now receiving free lunches. This is a just one example of Senator Fox's legacy and her efforts to improve the lives of the children of this state."

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 Representatives Manwaring and Moran,

H.C.R. 190.

House concurrent resolution congratulating the Twin Valley High School Wildcats 2013 Division IV championship boys' soccer team.

By Representative Keenan and others,

By Senators Collins and McAllister,

H.C.R. 191.

House concurrent resolution honoring Dr. Fred Holmes and documentary filmmaker Bess O'Brien for their efforts to address youth opiate addiction in Vermont.

By Representative French and others,

By Senators MacDonald, Kitchel and McCormack,

H.C.R. 192.

House concurrent resolution honoring David Palmer for his public service in Central Vermont.

By Representative Myers and others,

H.C.R. 193.

House concurrent resolution congratulating the 2013 Essex High School Hornets championship boys' volleyball club.

By Representative Myers and others,

H.C.R. 194.

House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship field hockey team.

By Representative Myers and others,

H.C.R. 195.

House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship boys' track and field team.

By Representative Myers and others,

H.C.R. 196.

House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship girls' track and field team.

By Representative Myers and others,

H.C.R. 197.

House concurrent resolution congratulating David Ro on his tennis accomplishments at Essex High School.

By Representatives Grad and Greshin,

H.C.R. 198.

House concurrent resolution congratulating Eileen Rossetti on being named a 2013 Vermont Outstanding Teacher.

By Representative Grad and others,

H.C.R. 199.

House concurrent resolution congratulating Michael Coyle on his selection as the 2013 Washington West Supervisory Union Teacher of the Year.

By Representatives Grad and Greshin,

H.C.R. 200.

House concurrent resolution congratulating Meg Allison on being named a 2013 Vermont Outstanding Teacher.

By Representatives Scheuermann and Smith,

H.C.R. 201.

House concurrent resolution congratulating the Stoweflake Mountain Resort & Spa on its golden anniversary.

By Representatives Scheuermann and Smith,

H.C.R. 202.

House concurrent resolution congratulating the Golden Eagle Resort on its 50th anniversary.

By Representative Russell and others,

By Senators Flory, French and Mullin,

H.C.R. 203.

House concurrent resolution recognizing the commitment of Cape Air to serving Rutland.

By Representative Keenan and others,

H.C.R. 204.

House concurrent resolution recognizing the important health care contribution of nurse anesthetists in Vermont.

By Representatives Savage and Consejo,

By Senators Collins and McAllister,

H.C.R. 205.

House concurrent resolution congratulating Shelby Meunier of Swanton on her participation in the 2013 Macy's Thanksgiving Day Parade Great American Marching Band.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 28, 2014, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 39.