

# Journal of the Senate

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THURSDAY, APRIL 17, 2014

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. 50

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 a bill originating in the Senate of the following title:

**S. 100.** An act relating to forest integrity.

And has passed the same in concurrence.

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

**H. 631.** An act relating to lottery commissions.

And has severally concurred therein with a further proposal of amendment thereto, 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. 55.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

## Bill Referred to Committee on Appropriations

### H. 297.

House bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to duties and functions of the Department of Public Service.

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**Senate Resolution Placed on Calendar****S.R. 10.**

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

By Senators Mullin, Flory, and French,

**S.R. 10.** Senate resolution relating to expressing support for the continuation of the Vermont State Fair.

*Whereas*, the Vermont State Fair has a proud history dating to 1846 when the first Rutland Fair, a one-day event, was held on a field near Castleton, and

*Whereas*, after migrating to different locations near Rutland City, the Rutland Fair settled at its present home in 1859, the site then known as Rutland County Park, and

*Whereas*, the deed for this land requires that an agricultural fair be held on the property once a year, and

*Whereas*, as the popularity and scope of the Rutland Fair grew, the Fair's duration was extended, first to two and then to three days, and by 1933 it had become a six-day event, attracting crowds from across Vermont and out of state, and

*Whereas*, the resiliency of the Rutland Fair was demonstrated in 1939 when a grandstand destroyed by fire was rebuilt in just 40 days, and

*Whereas*, the Rutland Fair's statewide agricultural and cultural roles were formally acknowledged in 1972 when it was renamed the Vermont State Fair, and

*Whereas*, the Vermont State Fair provides an annual boost to the local economy in Rutland and to the State of Vermont, and

*Whereas*, the Rutland County Agricultural Society (RCAS) is the governing organization of the Vermont State Fair, and

*Whereas*, internal management difficulties at the RCAS have required the appointment of a new interim president-general manager and the initiation of a comprehensive internal audit, and

*Whereas*, the problems the RCAS now confronts are serious and could place the future of the Vermont State Fair in jeopardy, and

*Whereas*, the leadership of the RCAS is taking responsible steps to resolve the current difficulties and enable the Vermont State Fair to continue welcoming fairgoers each summer, and

*Whereas*, patience during this challenging transition period and expressions of public support will assist the RCAS as it works carefully, but optimistically, to keep the Vermont State Fair open, *now therefore be it*

***Resolved by the Senate:***

That the Senate of the State of Vermont expresses its support for the continuation of the Vermont State Fair, *and be it further*

***Resolved:*** That the Secretary of the Senate be directed to send a copy of this resolution to the Rutland County Agricultural Society.

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

**Senate Resolution Referred**

**S.R. 11.**

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

Senate resolution relating to the Senate Committee on Child Protection.

By Senator Ayer, Cummings, Flory, French, Kitchel, Mullin, and Sears,

**S.R. 11.** Senate resolution relating to the Senate Committee on Child Protection.

*Whereas*, on February 21, 2014, two-year-old Dezirae Sheldon died as a result of head injuries, and her stepfather has been arrested and charged with murder in connection with her death, and

*Whereas*, the President Pro Tempore of the Senate has appointed a panel to investigate issues raised by the death of Dezirae, including whether current laws, policies, and procedures are sufficient to meet Vermont's high expectations concerning child protection, and to determine if legislative changes are necessary, and

*Whereas*, the Senate Panel on Child Protection is co-chaired by Senators Ayer and Sears, and includes Senators Cummings, Flory, French, Kitchel, and Mullin, and

*Whereas*, it has become evident that the Panel will not be able to investigate fully the many issues raised by Dezirae's death before adjournment, *now therefore be it*

***Resolved by the Senate:***

There is created a Senate Committee on Child Protection to carry on the work begun by the Senate Panel on Child Protection, including investigating

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whether current laws, policies, and procedures are sufficient to meet Vermont's high expectations concerning child protection, and determining if legislative changes are necessary, *and be it further*

**Resolved:** That the Committee shall be co-chaired by Senators Ayer and Sears, and the members shall be Senators Cummings, Flory, French, Kitchel, and Mullin, *and be it further*

**Resolved:** That the Committee may conduct hearings and may administer oaths to and examine under oath any person, *and be it further*

**Resolved:** That the Committee shall have the power, by a majority vote of the Committee, to compel the attendance of witnesses and the production of books, records, papers, vouchers, accounts, or documents, *and be it further*

**Resolved:** That any confidential records obtained by the Committee shall be exempt from public inspection and copying, shall be kept confidential, and shall not be disclosed, *and be it further*

**Resolved:** That the Committee shall continue to meet during the session as the Co-Chairs determine appropriate, *and be it further*

**Resolved:** That the Committee may meet no more than ten times after the adjournment of the General Assembly, unless additional meetings are determined to be necessary by the Co-Chairs and approved by the President Pro Tempore, *and be it further*

**Resolved:** That the Committee may hold hearings at whatever locations the Co-Chairs determine appropriate, *and be it further*

**Resolved:** That the Committee shall cease to exist on January 6, 2015, *and be it further*

**Resolved:** That for attendance at meetings after adjournment of the General Assembly, members of the Committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406, *and be it further*

**Resolved:** That on or before January 6, 2015, the Committee shall report to the Senate on its findings and any recommendations for legislative action, *and be it further*

**Resolved:** That the Committee shall receive the assistance of the Office of Legislative Council.

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

**Bill Passed in Concurrence with Proposal of Amendment**

**H. 650.**

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

An act relating to establishing the Ecosystem Restoration and Water Quality Improvement Special Fund.

**House Proposals of Amendment to Senate Proposal of Amendment  
Concurred In**

**H. 872.**

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

An act relating to the State's Transportation Program and miscellaneous changes to the State's transportation laws.

Were taken up.

The House proposes to the Senate to amend the Senate proposal of amendment as follows:

First: In Sec. 15, by striking subdivision (4) in its entirety

Second: By adding a new section to be Sec. 15a and a reader assistance thereto to read:

\* \* \* Rest Areas Program \* \* \*

Sec. 15a. REST AREAS PROGRAM; DERBY WELCOME CENTER

In the Agency's proposed fiscal year 2015 Transportation Program, in the Rest Areas Program, the Project Information section for the Derby Welcome Center project, IM 091-3(8), is amended to delete all of the text in the Comments field.

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

**Proposal of Amendment; Third Reading Ordered**

**H. 871.**

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

An act relating to miscellaneous pension changes.

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Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 2 (repeal) in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. REPEAL

2010 Acts and Resolves No. 139, Sec. 13(a) is repealed.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Government Operations.

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

**Adjournment**

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