

Journal of the Senate

FRIDAY, APRIL 18, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Cindy Simpson of Barre.

Message from the House No. 51

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 Senate proposal of amendment to the following House bill:

H. 589. An act relating to hunting, fishing, and trapping.

And has severally concurred therein.

The House has adopted joint resolution of the following title:

J.R.H. 20. Joint resolution authorizing Green Mountain Boys State educational program to use the State House.

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

Message from the House No. 52

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. 586. An act relating to improving the quality of State waters.

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

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

H. 373. An act relating to updating and reorganizing Title 33.

And has severally concurred therein.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 309. House concurrent resolution congratulating the *Reporter* newspaper on winning eight 2014 New England Newspaper and Press Association awards.

H.C.R. 310. House concurrent resolution congratulating the Town of Weybridge on winning State and Addison County honors in the Vermont Home Energy Challenge.

H.C.R. 311. House concurrent resolution congratulating 2014 Vermont Spelling Bee champion, Liam Lustberg.

H.C.R. 312. House concurrent resolution congratulating the 2014 Division II Lyndon Institute Vikings championship boys' basketball team.

H.C.R. 313. House concurrent resolution congratulating the 2014 Proctor High School Lady Phantoms Division IV championship girls' basketball team.

H.C.R. 314. House concurrent resolution congratulating the 2013 Peoples Academy Lady Wolves Division III championship girls' soccer team.

H.C.R. 315. House concurrent resolution congratulating the 2014 Danville High School Division IV championship boys' basketball team.

H.C.R. 316. House concurrent resolution commemorating the third annual Turkic Cultural Day in Vermont.

H.C.R. 317. House concurrent resolution congratulating the 2014 Mt. Abraham Union High School Division II championship girls' basketball team.

H.C.R. 318. House concurrent resolution commemorating the 200th anniversary of the Battle of Plattsburgh and honoring those who fought on Lake Champlain's western shore.

H.C.R. 319. House concurrent resolution congratulating Chloe Johnson of Fairfield on her service as the 2013 Miss Vermont Outstanding Teen.

H.C.R. 320. House concurrent resolution in memory of Brandon Allen Gleason of Enosburg Falls.

H.C.R. 321. House concurrent resolution congratulating the 2014 Black River High School State rock climbing championship team.

H.C.R. 322. House concurrent resolution designating April 23, 2014 as Iraq and Afghanistan Veterans Honor and Appreciation Day and recognizing their service and sacrifice on behalf of our nation.

H.C.R. 323. House concurrent resolution congratulating the 2014 University of Vermont Catamounts America East Regular Season title winning men's basketball team.

H.C.R. 324. House concurrent resolution congratulating the Vermont-associated 2014 U.S. Winter Olympic Team members.

H.C.R. 325. House concurrent resolution congratulating Jeanelle Achee of Rochester on her service as the 2013 Miss Vermont.

H.C.R. 326. House concurrent resolution congratulating the 2013 Randolph Union High School Galloping Ghosts Division II championship baseball team.

H.C.R. 327. House concurrent resolution congratulating Madison Cota on being named the 2014 Miss Vermont Teen USA.

H.C.R. 328. House concurrent resolution commemorating the 150th anniversary of the St. Albans Raid.

H.C.R. 329. House concurrent resolution designating April 30, 2014 as National Walk@Lunch Day in Vermont.

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

The House has considered concurrent resolution originating in the Senate of the following title:

S.C.R. 55. Senate concurrent resolution congratulating the NorthWoods Stewardship Center on its 25th anniversary.

And has adopted the same in concurrence.

Bill Referred to Committee on Finance

H. 542.

House 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 the taxation of soil amendments.

Bills Referred to Committee on Appropriations

House 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:

H. 795. An act relating to victim's compensation and restitution procedures.

H. 882. An act relating to compensation for certain State employees.

Joint Resolution Placed on Calendar**J.R.H. 20.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution authorizing Green Mountain Boys State educational program to use the State House

Whereas, the American Legion in Vermont sponsors the Green Mountain Boys State program, which provides an opportunity for boys in high school to study the workings of State government in Montpelier, and

Whereas, as part of their visit to the State's capital city, the boys conduct a mock legislative session in the State House, and

Whereas, this is an invaluable educational experience that provides firsthand knowledge about the legislative process, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Boys State program on Thursday, June 19, 2014 from 8:00 a.m. to 5:00 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont in Montpelier.

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

Bill Referred

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

H. 586.

An act relating to improving the quality of State waters.

To the Committee on Rules.

Bill Passed in Concurrence with Proposal of Amendment**H. 871.**

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

An act relating to miscellaneous pension changes.

Third Reading Ordered**H. 863.**

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

An act relating to a Public Records Act exemption for the identity of whistleblowers.

Reported that the bill ought to pass in concurrence.

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

Proposal of Amendment; Third Readings Ordered**H. 765.**

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

An act relating to eliminating the part-time certification of law enforcement officers.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. VERMONT CRIMINAL JUSTICE TRAINING COUNCIL;
REPORT; LEVELS OF LAW ENFORCEMENT OFFICER
CERTIFICATION; SCOPE OF PRACTICE; TRAINING REQUIREMENTS

On or before January 15, 2015, the Vermont Criminal Justice Training Council shall submit to the Senate and House Committees on Government Operations a report that recommends whether there should be different levels of law enforcement officer certification to replace the current law's full- and part-time certification. Any new recommended levels shall distinguish law enforcement officer certification based on scope of practice and not on practice hours. For each recommended new level of law enforcement officer certification, the Council shall recommend:

- (1) the scope of practice for that level of certification;

(2) the scope of the basic and annual in-service training that should be required to obtain and retain, respectively, that level of certification;

(3) the manner in which a law enforcement officer should be able to transition to a different level of certification; and

(4) the manner in which a law enforcement officer certified as a full- or part-time officer under current law should be able to transition to the recommended new level.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to a report of the Vermont Criminal Justice Training Council's recommended levels of law enforcement officer certification.

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

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.

H. 874.

Senator Lyons, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to consent for admission to hospice care and for DNR/COLST orders.

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

Sec. 2. 18 V.S.A. § 9708(f) is amended to read:

(f) The Department of Health shall adopt by rule ~~no later than~~ on or before July 1, ~~2014~~ 2016, criteria for individuals who are not the patient, agent, or guardian, but who are giving informed consent for a DNR/COLST order. The rules shall include the following:

(1) other individuals permitted to give informed consent for a DNR/COLST order who shall be a family member of the patient or a person with a known close relationship to the patient; and

(2) parameters for how decisions should be made, which shall include at a minimum the protection of a patient's own wishes in the same manner as in section 9711 of this title; ~~and~~

~~(3) access to a hospital's internal ethics protocols for use when there is a disagreement over the appropriate person to give informed consent.~~

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

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.

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

H. 631.

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

An act relating to lottery commissions.

Was taken up.

The House proposes to the Senate to amend the Senate proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 31 V.S.A. § 658 is amended to read:

§ 658. STATE LOTTERY FUND

* * *

(b) Expenditures for administrative and overhead expenses of the operation of the lottery, except agent and bank commissions, shall be paid from lottery receipts from an appropriation authorized for that purpose. Agent commissions shall be set by the ~~lottery commission~~ Lottery Commission and may not exceed 6.25 percent of gross receipts and bank commissions may not exceed 1 percent of gross receipts. Once the draw game results become official, the payment of any commission on any draw game ticket that wins at least \$10,000.00 shall be made through the normal course of processing payments to lottery agents, regardless of whether the winning ticket is claimed.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

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

Senate Resolution Adopted

S.R. 10.

Senate resolution entitled:

Senate resolution expressing support for the continuation of the Vermont State Fair

Having been placed on the Calendar for action, was taken up and adopted.

Senate Concurrent Resolution

The following joint concurrent resolution, 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, was adopted on the part of the Senate:

By Senators Rodgers and Starr,

S.C.R. 55.

Senate concurrent resolution congratulating the NorthWoods Stewardship Center on its 25th anniversary.

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 Shaw and Carr,

By Senators Flory, French and Mullin,

H.C.R. 309.

House concurrent resolution congratulating the *Reporter* newspaper on winning eight 2014 New England Newspaper and Press Association awards.

By Representative Smith,

By Senators Ayer and Bray,

H.C.R. 310.

House concurrent resolution congratulating the Town of Weybridge on winning State and Addison County honors in the Vermont Home Energy Challenge.

By Representative Pugh and others,

By Senators Sirotkin, Ashe, Baruth, Lyons, Snelling and Zuckerman,

H.C.R. 311.

House concurrent resolution congratulating 2014 Vermont Spelling Bee champion, Liam Lustberg.

By Representatives Lawrence and Feltus,

By Senators Benning and Kitchel,

H.C.R. 312.

House concurrent resolution congratulating the 2014 Division II Lyndon Institute Vikings championship boys' basketball team.

By Representative Potter and others,

H.C.R. 313.

House concurrent resolution congratulating the 2014 Proctor High School Lady Phantoms Division IV championship girls' basketball team.

By Representatives Smith and Peltz,

H.C.R. 314.

House concurrent resolution congratulating the 2013 Peoples Academy Lady Wolves Division III championship girls' soccer team.

By Representative Toll,

By Senators Kitchel and Benning,

H.C.R. 315.

House concurrent resolution congratulating the 2014 Danville High School Division IV championship boys' basketball team.

By Representatives O'Sullivan and Ram,

H.C.R. 316.

House concurrent resolution commemorating the third annual Turkic Cultural Day in Vermont.

By Representative Sharpe and others,

H.C.R. 317.

House concurrent resolution congratulating the 2014 Mt. Abraham Union High School Division II championship girls' basketball team.

By Representative Devereux and others,

By Senators Ashe, Baruth, Lyons, Mazza, Sirotkin, Snelling and Zuckerman,

H.C.R. 318.

House concurrent resolution commemorating the 200th anniversary of the Battle of Plattsburgh and honoring those who fought on Lake Champlain's western shore.

By Representatives Lanpher and Connor,

By Senators Collins and McAllister,

H.C.R. 319.

House concurrent resolution congratulating Chloe Johnson of Fairfield on her service as the 2013 Miss Vermont Outstanding Teen.

By Representative Weed and others,

By Senators Collins and McAllister,

H.C.R. 320.

House concurrent resolution in memory of Brandon Allen Gleason of Enosburg Falls.

By Representative Devereux,

By Senators Campbell, McCormack and Nitka,

H.C.R. 321.

House concurrent resolution congratulating the 2014 Black River High School State rock climbing championship team.

By All Members of the House,

By All Members of the Senate,

H.C.R. 322.

House concurrent resolution designating April 23, 2014 as Iraq and Afghanistan Veterans Honor and Appreciation Day and recognizing their service and sacrifice on behalf of our nation.

By Representative Juskiewicz and others,
By Senators Baruth, Doyle, Flory, McAllister and Mullin,

H.C.R. 323.

House concurrent resolution congratulating the 2014 University of Vermont Catamounts America East Regular Season title winning men's basketball team.

By All Members of the House,
By All Members of the Senate,

H.C.R. 324.

House concurrent resolution congratulating the Vermont-associated 2014 U.S. Winter Olympic Team members.

By Representatives Lanpher and Haas,
By Senators Campbell, McCormack and Nitka,

H.C.R. 325.

House concurrent resolution congratulating Jeanelle Achee of Rochester on her service as the 2013 Miss Vermont.

By Representatives French and Ryerson,
By Senator MacDonald,

H.C.R. 326.

House concurrent resolution congratulating the 2013 Randolph Union High School Galloping Ghosts Division II championship baseball team.

By Representative Partridge and others,

H.C.R. 327.

House concurrent resolution congratulating Madison Cota on being named the 2014 Miss Vermont Teen USA.

By Representative Frank and others,

H.C.R. 329.

House concurrent resolution designating April 30, 2014 as National Walk@Lunch Day in Vermont.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, April 22, 2014, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 55.