

Journal of the Senate

FRIDAY, FEBRUARY 20, 2015

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. 24

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. 141. An act relating to the Organ and Tissue Donation Working Group.

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

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

H. 82. An act relating to fiscal year 2015 budget adjustments.

And has severally concurred therein.

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

H.C.R. 37. House concurrent resolution congratulating the 2014 class of Green Mountain Council Eagle Boy Scouts.

H.C.R. 38. House concurrent resolution congratulating former Berlin Assistant Town Clerk and Assistant Town Treasurer Grace Rose on her 90th birthday.

H.C.R. 39. House concurrent resolution recognizing the lifesaving work of the Vermont Suicide Prevention Center and the Vermont Suicide Prevention Coalition.

H.C.R. 40. House concurrent resolution congratulating the Star Barber Shop of Rutland on its 80th anniversary.

H.C.R. 41. House concurrent resolution honoring Vermont State Employees for their exemplary public service.

H.C.R. 42. House concurrent resolution honoring Kenneth Alexander for his exemplary public service as Hyde Park Road Commissioner.

H.C.R. 43. House concurrent resolution honoring Milton town clerk and treasurer John Cushing on 46 years of exemplary public service and as an advocate for effective municipal governance.

H.C.R. 44. House concurrent resolution designating February 19, 2015, as Afterschool and Summer Learning Day at the State House.

H.C.R. 45. House concurrent resolution congratulating the National Railway Historical Society on its 80th anniversary and welcoming its 2015 convention to Rutland.

H.C.R. 46. House concurrent resolution congratulating John C. Stewart & Son, Inc.'s Ford dealership on its 100th anniversary.

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. 3. Senate concurrent resolution congratulating Allen Adler on his 100th birthday.

And has adopted the same in concurrence.

Bills Referred to Committee on Appropriations

Senate 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:

S. 44. An act relating to creating flexibility in early college enrollment numbers.

S. 57. An act relating to fees paid to deputy sheriffs and their assistants for transport.

Senate Resolution Referred

S.R. 6.

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

Senate resolution relating to climate change.

By Senators Campion, Ayer, Balint, Baruth, Bray, Lyons, McCormack, Sears, Sirotkin, White, and Zuckerman,

S.R. 6. Senate resolution relating to climate change.

Whereas, according to the Intergovernmental Panel on Climate Change, an internationally respected body of climate change experts, the “warming in the climate system is unequivocal,” and “human influence on the climate system is clear,” and

Whereas, in accordance with 10 V.S.A. § 578:

It is the goal of the State to reduce emissions of greenhouse gases from within the geographic boundaries of the State and those emissions outside the boundaries of the State that are caused by the use of energy in Vermont in order to make an appropriate contribution to achieving the regional goals of reducing emissions of greenhouse gases from the 1990 baseline by:

- (1) 25 percent by January 1, 2012;
- (2) 50 percent by January 1, 2028;
- (3) if practicable using reasonable efforts, 75 percent by January 1, 2050, and

Whereas, despite the statutory timetable, in 2011 the State’s emissions levels reached 8.11 million metric tons returning them to their 1990 status, and

Whereas, in 2012, the target of 6.0 million metric tons of emissions was far from being achieved, and

Whereas, according to Mathias Collins, a hydrologist with the National Oceanic and Atmospheric Administration, “starting around 1970, flood frequency and magnitude in Vermont underwent a significant steep change,” and that the severe flooding of Tropical Storm Irene is a harbinger of things to come, and

Whereas, a documented example of climate change in Vermont is the freeze-up and ice-out cycle for Stile’s Pond in Waterford, and

Whereas, records the Fairbanks Museum has maintained document that since 1971, the frozen winter period for Stile’s Pond has decreased an average of seven days per decade, and

Whereas, clean energy technologies can help Vermonters save money, cut pollution, and become energy self-sufficient, and

Whereas, on January 21, 2012, the U.S. Senate rejected the Schatz Amendment to S.1 (the Keystone Pipeline bill) acknowledging the findings of climate change and its human cause that the Intergovernmental Panel on Climate change had reported previously, and

Whereas, failure to identify the problem accurately precludes effective solutions, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont believes that climate change is real, that human activity is contributing substantially to the presence of climate change, and that it is imperative that Vermont take steps now to reduce its reliance on fossil fuels in order to promote energy independence and meet the State's goals for reduced greenhouse gas emissions, *and be it further*

Resolved: The Secretary of the Senate be directed to send a copy of this resolution the Vermont Congressional Delegation.

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

Bills Introduced

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

S. 102.

By Senators Sears and Ashe,

An act relating to forfeiture of property associated with an animal fighting exhibition.

To the Committee on Judiciary.

S. 103.

By Senator Pollina,

An act relating to increasing Exchange subsidies and to developing a proposal for universal health care.

To the Committee on Health & Welfare.

S. 104.

By Senators Sears and Champion,

An act relating to the dedication of the Bennington Welcome Center to former U.S. Senator Jim Jeffords.

To the Committee on Institutions.

S. 105.

By Senators Mullin, Balint, Baruth, Cummings and Doyle,

An act relating to home improvement contracts.

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

S. 106.

By Senator Lyons,
An act relating to supervision of public utilities.
To the Committee on Finance.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 141.

An act relating to the Organ and Tissue Donation Working Group.
To the Committee on Health & Welfare.

H. 194.

An act relating to approval of amendments to the charter of the Town of St. Johnsbury.
To the Committee on Government Operations.

Joint House Resolutions Recommended**J.R.H. 1.**

Joint House resolution entitled:

Joint resolution expressing support for the Public Service Board's establishment of FairPoint Communications service investigation docket and urging the management of FairPoint Communications to settle the current employee strike in order to restore reliable telecommunications services in Vermont.

Was taken up.

Thereupon, on motion of Senator Baruth, the joint resolution was recommended to the Committee on Finance.

Consideration Resumed; Third Reading Ordered**S. 14.**

Consideration was resumed on Senate bill entitled:

An act relating to single dose, child-resistant packaging and labeling of marijuana-infused edible or potable products sold by a registered dispensary.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Government Operations? Senator Sears

moved to amend the recommendation of amendment of the Committee on Government Operations by adding a new Sec. 5 to read as follows:

Sec. 5. 18 V.S.A. § 4474f is amended to read:

§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND REGISTRATION

* * *

(b)(1) Within 30 days of the adoption of rules, the Department shall begin accepting applications for the operation of dispensaries. Within 365 days of the effective date of this section, the Department shall grant registration certificates to four dispensaries, provided at least four applicants apply and meet the requirements of this section. ~~No~~ Except as provided in subdivision (2) of this subsection (b), no more than four dispensaries shall hold valid registration certificates at one time. Any time a dispensary registration certificate is revoked, is relinquished, or expires, the Department shall accept applications for a new dispensary. If at any time after one year after the effective date of this section fewer than four dispensaries hold valid registration certificates in Vermont, the Department of Public Safety shall accept applications for a new dispensary.

(2) The Department may issue up to six dispensary registration certificates if the additional otherwise qualified applicants are located in towns with a population of 8,000 or more residents and the town legislative bodies approve of the applicants seeking a registration certificate at a meeting duly warned for the purpose and confirm the approval in writing to the Department.

And by renumbering the remaining sections to be numerically correct.

Thereupon, pending the question, Shall the recommendation of the Committee on Government Operations be amended as recommended by Senator Sears?, Senator Sears requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, the recurring question, Shall the bill be amended as recommended by the Committee on Government Operations?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.

Bills Passed

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

S. 23. An act relating to required disclosures for workers' compensation settlements.

S. 92. An act relating to mediation in medical malpractice actions.

Third Reading Ordered**S. 72.**

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

An act relating to binding arbitration for State employees.

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.

Senate Resolution Adopted**S.R. 5.**

Senate resolution entitled:

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

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

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:

Consejo, Michel of Sheldon Springs - Member, Vermont State Lottery Commission - February 3, 2015, to February 28, 2018.

Appointment Confirmed

The following Gubernatorial appointment was confirmed separately by the Senate, upon full report given by the Committee to which it was referred:

Minter, Sue of Waterbury - Secretary, Transportation, Agency of – January 1, 2015, to February 28, 2015.

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,

By Representative Batchelor and others,

S.C.R. 3.

Senate concurrent resolution congratulating Allen Adler on his 100th birthday.

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 Representative Fagan and others,

By All Members of the Senate,

H.C.R. 37.

House concurrent resolution congratulating the 2014 class of Green Mountain Council Eagle Boy Scouts.

By Representative Purvis and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 38.

House concurrent resolution congratulating former Berlin Assistant Town Clerk and Assistant Town Treasurer Grace Rose on her 90th birthday.

By Representative Cole and others,

H.C.R. 39.

House concurrent resolution recognizing the lifesaving work of the Vermont Suicide Prevention Center and the Vermont Suicide Prevention Coalition.

By Representative Russell and others,

By Senators Flory and Mullin,

H.C.R. 40.

House concurrent resolution congratulating the Star Barber Shop of Rutland on its 80th anniversary.

By Representative Davis and others,

H.C.R. 41.

House concurrent resolution honoring Vermont State Employees for their exemplary public service.

By Representatives Martin and Woodward,

H.C.R. 42.

House concurrent resolution honoring Kenneth Alexander for his exemplary public service as Hyde Park Road Commissioner.

By Representative Turner and others,

By Senator Lyons,

H.C.R. 43.

House concurrent resolution honoring Milton town clerk and treasurer John Cushing on 46 years of exemplary public service and as an advocate for effective municipal governance.

By Representative Mrowicki and others,

By Senators Campion, Balint, Bray, Cummings, Degree, Doyle, MacDonald, McCormack, Nitka and Sears,

H.C.R. 44.

House concurrent resolution designating February 19, 2015, as Afterschool and Summer Learning Day at the State House.

By Representative Russell and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 45.

House concurrent resolution congratulating the National Railway Historical Society on its 80th anniversary and welcoming its 2015 convention to Rutland.

By Representative Devereux,

By Senators Collamore, Flory and Mullin,

H.C.R. 46.

House concurrent resolution congratulating John C. Stewart & Son, Inc.'s Ford dealership on its 100th anniversary.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 24, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 16.