

Journal of the Senate

TUESDAY, MARCH 10, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Message from the House No. 28

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 adopted joint resolution of the following title:

J.R.H. 5. Joint resolution urging the Federal Communications Commission to adopt the new net neutrality rules as Commission Chair Thomas Wheeler has proposed.

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

Message from the House No. 29

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 adopted House concurrent resolutions of the following titles:

H.C.R. 47. House concurrent resolution congratulating the Rutland High School cheerleading team on its success in the National Cheerleaders Association's Junior-Senior High School National Competition.

H.C.R. 48. House concurrent resolution congratulating the Vermont Student Assistance Corporation on its 50th anniversary.

H.C.R. 49. House concurrent resolution congratulating Marcy Tanger on winning a 2014 NeighborWorks Dorothy Richardson Resident Leadership Award.

H.C.R. 50. House concurrent resolution in memory of Deryl J. Stowell.

H.C.R. 51. House concurrent resolution honoring the individuals memorialized in Weybridge's 2014 town report.

H.C.R. 52. House concurrent resolution recognizing Edgar Crosby of Bridport on the dedication of the 2014 Bridport Town Report in his honor, in tribute to his exemplary community service.

H.C.R. 53. House concurrent resolution in memory of Kenneth W. Sawyer and honoring his community service in the town of New Haven.

H.C.R. 54. House concurrent resolution designating February 25, 2015, as Teachers' Day at the State House.

H.C.R. 55. House concurrent resolution congratulating youth composer Ethan Duncan on the Vermont Symphony Orchestra's premier of his *A Year in Vermont*.

H.C.R. 56. House concurrent resolution honoring Richard Werner for his outstanding leadership of the Dover School Board.

H.C.R. 57. House concurrent resolution honoring Kathleen Bartlett as an outstanding educator.

H.C.R. 58. House concurrent resolution congratulating the Southwestern Vermont Council on Aging on its 40th anniversary.

H.C.R. 59. House concurrent resolution congratulating Lions Club International's District 45 on its 60th 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. 4. Senate concurrent resolution congratulating the First Presbyterian Church of Barre on its 125th anniversary.

And has adopted the same in concurrence.

Message from the Governor Appointments Referred

A message was received from the Governor, by Susan Allen, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Avila, Maria Mercedes of Burlington - Member of the Children and Family Council for Prevention Programs, - from March 1, 2015, to February 28, 2021.

To the Committee on Health and Welfare.

Bokan, Carol Ann of Shelburne - Member of the Community High School of Vermont Board, - from March 1, 2015, to February 28, 2018.

To the Committee on Education.

Gregory, Peter of Hartland - Member of the State Infrastructure Bank Board, - from March 1, 2015, to February 28, 2020.

To the Committee on Finance.

Hathaway, Peter of Waterbury - Member of the Children and Family Council for Prevention Programs, - from March 1, 2015, to February 28, 2018.

To the Committee on Health & Welfare.

Hover, Caprice of Rutland - Member of the Children and Family Council for Prevention Programs, - from March 1, 2015, to February 28, 2018.

To the Committee on Health and Welfare.

Kamp, Susan of Burlington - Member of the Children and Family Council for Prevention Programs, - from March 1, 2015, to February 28, 2018.

To the Committee on Health and Welfare.

Mewes, Dennis of Dummerston - Member of the Fish and Wildlife Board, - from March 1, 2015, to February 28, 2021.

To the Committee on Natural Resources & Energy.

Sullivan, Linda of Dorset - Member of the Children and Family Council for Prevention Programs, - from March 1, 2015, to February 28, 2018.

To the Committee on Health and Welfare.

Wortham, Offie of Johnson - Member of the Community High School of Vermont Board, - from March 1, 2015, to February 28, 2018.

To the Committee on Education.

Bill Referred to Committee on Finance

S. 122.

Senate 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 miscellaneous changes to laws related to motor vehicles, motorboats, and other vehicles.

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning,

J.R.S. 17. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 13, 2015, it be to meet again no later than Tuesday, March 17, 2015.

Joint Resolution Referred**J.R.H. 5.**

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

Joint resolution urging the Federal Communications Commission to adopt the new net neutrality rules as Commission Chair Thomas Wheeler has proposed.

Whereas, in 2015, millions of Americans rely on the Internet for business, educational, economic, entertainment, and health care purposes, and all providers and users of Internet services must be afforded equal access to this primary communications highway, and

Whereas, start-ups and other promising elements of Vermont's high-technology-based creative economy require continuous and affordable access to high-speed Internet services for their economic survival, and

Whereas, net neutrality means that no Internet service or content provider may be relegated to a slower online transmission speed, or be eligible for an accelerated speed upon payment of a special fee, and

Whereas, in Verizon v. F.C.C., 740 F.3d 623 (2014), the U.S. Court of Appeals for the District of Columbia held that the Federal Communications Commission (FCC) is prohibited from imposing neutrality rules on the Internet because the FCC does not regulate the Internet under Title II of the Telecommunications Act of 1996, and

Whereas, in light of this judicial decision, the FCC began to consider proposing new net neutrality rules, and

Whereas, in July 2014, as the FCC was considering possible new rules on net neutrality, U.S. Senator Patrick Leahy chaired Senate Judiciary Committee hearings in Burlington on the need to keep the Internet equally open to all Americans, and he held further hearings on this important topic last September in Washington, D.C., and

Whereas, both the Department of Public Service and the Public Service Board have previously filed comments supporting the FCC's adoption of new net neutrality rules, and

Whereas, at least 3.7 million Americans submitted comments to the FCC about proposed new net neutrality rules, and many of the comments were from consumers who wrote in support of an open and publicly accessible Internet, and

Whereas, on Wednesday, February 4, 2015, Commission Chair Thomas Wheeler announced proposed new Internet regulatory rules providing that the FCC would begin to regulate the Internet as a utility under Title II of the Telecommunications Act of 1996, and

Whereas, the proposed FCC rules would also require neutrality for Internet operations as Internet service providers would be mandated to offer all Internet content providers equal access and not add a surcharge for accelerated transmission speeds, and

Whereas, in addition, the proposed FCC rules would authorize regulation of the back end of the Internet, where content providers have complained that network middlemen have intentionally clogged key Internet transit points, and

Whereas, the FCC voted on the new net neutrality rules on February 26, 2015, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly commends the Federal Communications Commission on its adoption of new net neutrality rules as Commission Chair Thomas Wheeler proposed, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Federal Communications Commission and to the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Economic Development, Housing & General Affairs.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 123.

By Senators Snelling, Bray and Rodgers,

An act relating to standardized procedures for permits and approvals issued by the Department of Environmental Conservation.

To the Committee on Natural Resources & Energy.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, March 11, 2015.