

Journal of the Senate

FRIDAY, MARCH 20, 2015

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

Devotional Exercises

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

Bill Referred to Committee on Rules

S. 94.

Senate bill of the following title, appearing on the Calendar for notice, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to appointing municipal clerks and treasurers.

Bills Referred

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

H. 20.

An act relating to licensed alcohol and drug abuse counselors as participating providers in Medicaid.

To the Committee on Health & Welfare.

H. 25.

An act relating to natural burial grounds.

To the Committee on Health & Welfare.

H. 105.

An act relating to disclosure of sexually explicit images without consent.

To the Committee on Judiciary.

H. 128.

An act relating to the use of results-based accountability common language in Vermont law.

To the Committee on Government Operations.

H. 217.

An act relating to potable water or wastewater system permits for a change in use of a building.

To the Committee on Natural Resources & Energy.

H. 241.

An act relating to rulemaking on emergency involuntary procedures.

To the Committee on Health & Welfare.

H. 269.

An act relating to the transportation and disposal of excavated development soils legally categorized as solid waste.

To the Committee on Natural Resources & Energy.

H. 304.

An act relating to making miscellaneous amendments to Vermont's retirement laws.

To the Committee on Government Operations.

H. 306.

An act relating to unemployment compensation.

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

Consideration Resumed; Consideration Postponed**S. 62.**

Consideration was resumed on Senate bill entitled:

An act relating to surrogate decision making for do-not-resuscitate orders and clinician orders for life-sustaining treatment.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Health and Welfare?, Senator Lyons, moved that consideration of the bill be postponed until Thursday, March 26, 2015.

Which was agreed to.

Bill Ordered to Lie**S. 133.**

Senate bill entitled:

An act relating to an employee's use of benefits.

Was taken up.

Thereupon, pending the report of the Committee on Economic Development, Housing and General Affairs, on motion of Senator Baruth, the bill was ordered to lie.

Consideration Resumed; Bill Amended; Bill Passed

S. 93.

Consideration was resumed on Senate bill entitled:

An act relating to disclosure of lobbying advertisements.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators White, Benning, Bray, Collamore and Pollina? Senators Sirotkin, Sears, Mullin and Zuckerman moved to amend the recommendation of amendment of Senators White, Benning, Bray, Collamore and Pollina as follows:

First: By striking out the *third* recommendation of amendment in its entirety and inserting in lieu thereof the following:

By striking out Sec. 3 (2 V.S.A. § 264 (reports of expenditures, compensation, and gifts; employers; lobbyists)) in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. 2 V.S.A. § 264 is amended to read:

**§ 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;
EMPLOYERS; LOBBYISTS**

(a) Every employer and every lobbyist registered or required to be registered under this chapter shall file disclosure reports with the Secretary of State as follows:

(1) on or before January 3, for the preceding period beginning on July 1 and ending with December 31;

(2) on or before February 3, for the preceding period beginning on January 1 and ending with January 31;

(3) on or before March 3, for the preceding period beginning on February 1 and ending with the last day of February;

(4) on or before April 25 3, for the preceding period beginning on January 1 March 1 and ending with March 31;

~~(2)~~(5) on or before May 3, for the preceding period beginning on April 1 and ending with April 30; and

~~(6) on or before July 25 3, for the preceding period beginning on April May 1 and ending with June 30;~~

~~(3) on or before January 25, for the preceding period beginning on July 1 and ending with December 31.~~

* * *

~~(h) Disclosure reports shall be made on forms published by the Secretary of State and shall be signed by the employer or lobbyist. The Secretary of State shall make those forms available to registered employers and lobbyists on the Secretary's website not later than 30 days before each filing deadline. [Repealed.]~~

* * *

Second: By inserting a new section to be numbered Sec. 6a to read as follows:

Sec. 6a. 17 V.S.A. § 2964 is amended to read:

§ 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE, THE GENERAL ASSEMBLY, AND COUNTY OFFICE; POLITICAL COMMITTEES; POLITICAL PARTIES

(a)(1) Each candidate for State office, the General Assembly, or a two-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle and, except as provided in subsection (b) of this section, each political committee that has not filed a final report pursuant to subsection 2965(b) of this chapter, and each political party required to register under section 2923 of this chapter shall file with the Secretary of State campaign finance reports as follows:

(A) in the first year of the two-year general election cycle, on July 15; and

(B) in the second year of the two-year general election cycle:

(i) on March 15;

(ii) on July 15 and August 15;

(iii) on September 1;

(iv) on October 1, October 15, and November 1; and

(v) two weeks after the general election.

* * *

(3) In addition to the requirements set forth in subdivision (1) of this subsection, each political committee that has not filed a final report pursuant to subsection 2965(b) of this chapter shall file with the Secretary of State a campaign finance report on April 15 in the first year of the two-year general election cycle.

* * *

Thereupon, pending the question, Shall the recommendation of amendment of Senators White, Benning, Bray, Collamore and Pollina be amended as recommended by Senators Sirotkin, Sears, Mullin and Zuckerman?, Senator Sirotkin requested and was granted leave to withdraw the *second* recommendation of amendment.

Thereupon, the pending question, Shall the recommendation of amendment of Senators White, Benning, Bray, Collamore and Pollina be amended as recommended Senators Sirotkin, Sears, Mullin and Zuckerman?, was disagreed to on a roll call, Yeas 6, Nays 19.

Senator Sirotkin having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, MacDonald, Mullin, Sears, Sirotkin, Starr.

Those Senators who voted in the negative were: Balint, Baruth, Bray, Campion, Collamore, Cummings, Degree, Flory, Kitchel, Lyons, Mazza, McAllister, McCormack, Nitka, Pollina, Rodgers, Snelling, Westman, White.

Those Senators absent or not voting were: Ayer, Benning, Campbell (presiding), Doyle, Zuckerman.

Thereupon, the recurring question, Shall the bill be amended as recommended by Senators White, Benning, Bray, Collamore and Pollina? was decided in the affirmative.

Thereupon, the bill was read the third time and passed.

Bill Amended; Third Reading Ordered

S. 58.

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

An act relating to requiring that the Defender General receive the same early retirement benefit as a State's Attorney.

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

Sec. 1. 13 V.S.A. § 5254 is amended to read:

§ 5254. PERSONNEL DESIGNATION AND EXPENDITURES

(a) The ~~defender general~~ Defender General, ~~deputy defender general~~ Deputy Defender General, public defenders and deputy public defenders shall be exempt from the classified ~~state~~ State service.

(b) Clerical and office staff in the ~~office of the defender general~~ Office of the Defender General and in all local offices shall be hired by the ~~defender general~~ Defender General. Clerical and office staff shall be ~~state~~ State employees paid by the ~~state~~ State, and shall receive those benefits and compensation available to classified ~~state~~ State employees who are similarly situated, unless otherwise covered by the provisions of a collective bargaining agreement setting forth the terms and conditions of employment, negotiated pursuant to the provisions of 3 V.S.A. chapter 27 of Title 3. Clerical and office staff employed by the ~~office of the defender general~~ Office of the Defender General shall not be part of the classified service as set forth in 3 V.S.A. chapter 13 of Title 3.

(c) The ~~deputy defender general~~ Deputy Defender General shall be entitled to compensation at an annual rate that does not exceed an amount \$500.00 less than the salary of the ~~defender general~~ Defender General. The public defenders and deputy public defenders shall be entitled to compensation at annual rates not to exceed an amount \$1,000.00 less than the salary of the ~~defender general~~ Defender General.

(d) The ~~defender general~~ Defender General is responsible for assuming expenses for his or her office and all local offices. The entirety of expenditures shall not exceed those set in the annual budget of the ~~office of the defender general~~ Office of the Defender General and such expenditures shall be subject to the provisions of ~~section 32 V.S.A. § 702 of Title 32~~.

(e) The Defender General shall receive an early retirement allowance equal to that of a State's Attorney or sheriff.

Sec. 2. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) Unless a different meaning is plainly required by the context, the following words and phrases as used in this subchapter shall have the following meanings:

* * *

(4) "Average final compensation" shall mean:

* * *

(C) For purposes of determining average final compensation for group A or group C members, a member who has accumulated unused sick leave at retirement shall be deemed to have worked the full normal working time for his or her position for 50 percent of such leave, at his or her full rate of compensation in effect at the date of his or her retirement. For purposes of determining average final compensation for group F members, unused annual or sick leave, termination bonuses and any other compensation for service not actually performed shall be excluded. The average final compensation for a State's Attorney and the Defender General shall be determined by the State's Attorney's or the Defender General's highest annual compensation earned during his or her creditable service.

* * *

(9) "Employee" shall mean:

* * *

(B) any regular officer or employee of the Department of Public Safety assigned to police and law enforcement duties, including the Commissioner of Public Safety appointed before July 1, 2001; but, irrespective of the member's classification, shall not include any member of the General Assembly as such, any person who is covered by the Vermont Teachers' Retirement System, any person engaged under retainer or special agreement or C beneficiary employed by the Department of Public Safety for not more than 208 hours per year, or any person whose principal source of income is other than State employment. In all cases of doubt, the Retirement Board shall determine whether any person is an employee as defined in this subchapter. Also included under this subdivision are employees of the Department of Liquor Control who exercise law enforcement powers, employees of the Department of Fish and Wildlife assigned to law enforcement duties, motor vehicle inspectors, full-time deputy sheriffs employed by the State of Vermont, full-time members of the Capitol Police force, investigators employed by the Criminal Division of the Office of the Attorney General, Department of State's Attorneys, Department of Health, or Office of the Secretary of State, who have attained full-time certification from the Vermont Criminal Justice Training Council, who are required to perform law enforcement duties as the primary function of their employment, and who may be subject to mandatory retirement permissible under 29 U.S.C. § 623(j), who are first included in membership of the system on or after July 1, 2000. Also included under this subdivision are full-time firefighters employed by the State of Vermont and the Defender General.

* * *

Sec. 3. 3 V.S.A. § 459 is amended to read:

§ 459. NORMAL AND EARLY RETIREMENT

* * *

(d) Early retirement allowance.

* * *

(5) Notwithstanding subdivisions (1) and (2) of this subsection, a State's Attorney, the Defender General, or sheriff who has completed 20 years of creditable service, of which 15 years has been as a State's Attorney, the Defender General, or sheriff, shall receive an early retirement allowance equal to the normal retirement allowance, at age 55, without reductions.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

And that when so amended the bill ought to pass.

Senator McCormack, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass when so amended.

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

Bill Passed

S. 44.

Senate bill of the following title was read the third time and passed:

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

Message from the House No. 36

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 House bills of the following titles:

H. 5. An act relating to hunting, fishing, and trapping.

H. 95. An act relating to jurisdiction over delinquency proceedings by the Family Division of the Superior Court.

H. 98. An act relating to reportable disease registries and data.

H. 123. An act relating to mobile home parks, habitability standards, and compliance.

H. 310. An act relating to limited liability companies.

H. 320. An act relating to technical corrections.

H. 477. An act relating to miscellaneous amendments to election law.

H. 482. An act relating to principle-based valuation for life insurance reserves and a standard nonforfeiture law for life insurance policies.

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

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

H.C.R. 68. House concurrent resolution congratulating the 2014 South Burlington High School Division I girls' and boys' championship tennis teams.

H.C.R. 69. House concurrent resolution congratulating the 2015 Essex Union High School Hornets Division I girls' ice hockey championship team.

H.C.R. 70. House concurrent resolution congratulating the 2015 and 10th consecutive Essex Union High School Hornets' girls' gymnastics State championship team.

H.C.R. 71. House concurrent resolution honoring Nancy Zorn for her 15 years of outstanding leadership as Executive Director of the Green Mountain United Way.

H.C.R. 72. House concurrent resolution congratulating University of Vermont women's ice hockey Catamount Amanda Pelkey on scoring her 100th college career point.

H.C.R. 73. House concurrent resolution designating March 17, 2015 as Multiple Sclerosis Awareness Day in Vermont.

H.C.R. 74. House concurrent resolution congratulating Abigail Hawkins on her winning first place in the oratory category at the 2015 Vermont Debate and Forensics League State championship.

H.C.R. 75. House concurrent resolution honoring the humanitarian efforts of the Vermont Haiti Project and recognizing its social and cultural contributions to the State of Vermont.

H.C.R. 76. House concurrent resolution recognizing important legal milestones in the protection of the rights of persons with disabilities and designating March 18, 2015 as Disability Awareness Day at the State House.

H.C.R. 77. House concurrent resolution welcoming the Friends of UVM Baseball to the State House.

H.C.R. 78. House concurrent resolution designating August 9, 2015, as Genealogy Day in Vermont.

H.C.R. 79. House concurrent resolution congratulating the 2014 South Burlington High School Rebels Division I boys' cross-country championship team.

H.C.R. 80. House concurrent resolution congratulating the 2014 Williston All-Stars Little League baseball state championship baseball team.

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

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 Townsend and others,

H.C.R. 68.

House concurrent resolution congratulating the 2014 South Burlington High School Division I girls' and boys' championship tennis teams.

By Representative Myers and others,

H.C.R. 69.

House concurrent resolution congratulating the 2015 Essex Union High School Hornets Division I girls' ice hockey championship team.

By Representative Myers and others,

H.C.R. 70.

House concurrent resolution congratulating the 2015 and 10th consecutive Essex Union High School Hornets' girls' gymnastics State championship team.

By All Members of the House,

By All Members of the Senate,

H.C.R. 71.

House concurrent resolution honoring Nancy Zorn for her 15 years of outstanding leadership as Executive Director of the Green Mountain United Way.

By Representative McFaun and others,

By Senators Cummings, Doyle, Pollina and Starr,

H.C.R. 72.

House concurrent resolution congratulating University of Vermont women's ice hockey Catamount Amanda Pelkey on scoring her 100th college career point.

By Representatives Krebs and Johnson,

H.C.R. 73.

House concurrent resolution designating March 17, 2015 as Multiple Sclerosis Awareness Day in Vermont.

By Representative Fagan and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 74.

House concurrent resolution congratulating Abigail Hawkins on her winning first place in the oratory category at the 2015 Vermont Debate and Forensics League State championship.

By Representative Ryerson and others,

H.C.R. 75.

House concurrent resolution honoring the humanitarian efforts of the Vermont Haiti Project and recognizing its social and cultural contributions to the State of Vermont.

By Representative Pugh and others,

H.C.R. 76.

House concurrent resolution recognizing important legal milestones in the protection of the rights of persons with disabilities and designating March 18, 2015 as Disability Awareness Day at the State House.

By Representative Frank and others,

H.C.R. 77.

House concurrent resolution welcoming the Friends of UVM Baseball to the State House.

By Representative Yantachka and others,

By Senator Baruth,

H.C.R. 78.

House concurrent resolution designating August 9, 2015, as Genealogy Day in Vermont.

By Representative Townsend and others,

H.C.R. 79.

House concurrent resolution congratulating the 2014 South Burlington High School Rebels Division I boys' cross-country championship team.

By Representatives Macaig and McCullough,

By Senator Lyons,

H.C.R. 80.

House concurrent resolution congratulating the 2014 Williston All-Stars Little League baseball state championship baseball team.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, March 24, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 19.