

Journal of the Senate

FRIDAY, APRIL 24, 2015

The Senate was called to order by the President.

Devotional Exercises

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

Message from the House No. 54

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 bills originating in the Senate of the following titles:

S. 72. An act relating to binding arbitration for State employees.

S. 122. An act relating to miscellaneous changes to laws related to motor vehicles, motorboats, and other vehicles.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the Senate is requested.

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

S. 13. An act relating to the Vermont Sex Offender Registry.

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 Senate proposal of amendment to the following House bill:

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

And has severally concurred therein.

Message from the House No. 55

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. 8. An act relating to the oversight of the transfer of military equipment to law enforcement agencies.

H. 187. An act relating to absence from work for health care and safety.

H. 280. An act relating to amending the State Board of Education rules on school lighting requirements.

H. 494. An act relating to approval of the adoption and codification of the charter of the Town of Weybridge.

H. 496. An act relating to approval of the adoption and codification of the charter of the Town of West Fairlee.

H. 499. An act relating to approval of the adoption and codification of the charter of the Town of Salisbury.

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. 51. An act relating to group-wide supervision of internationally active insurance groups and the establishment of domestic insurers in Vermont.

And has severally concurred therein.

The House has adopted joint resolutions of the following titles:

J.R.H. 13. Joint resolution authorizing the Green Mountain Boys State educational program to use the State House.

J.R.H. 14. Joint resolution authorizing the Green Mountain Girls State educational program to use the State House.

J.R.H. 16. Joint resolution relating to the approval of State land transactions.

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

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

H.C.R. 128. House concurrent resolution designating April 29, 2015, as National Walk@Lunch Day in Vermont.

H.C.R. 129. House concurrent resolution recognizing April, 2015, as Fair Housing Month in Vermont.

H.C.R. 130. House concurrent resolution honoring Judge Amy Marie Davenport in recognition of her many professional accomplishments.

H.C.R. 131. House concurrent resolution designating May 10–16, 2015 as Women’s Lung Health Week in Vermont.

H.C.R. 132. House concurrent resolution commemorating the 20th anniversary of the Clarendon Elementary School Peace Garden.

H.C.R. 133. House concurrent resolution congratulating the 2015 Mt. Saint Joseph Academy Mounties Division IV championship girls’ basketball team.

H.C.R. 134. House concurrent resolution congratulating the 2015 Mt. Saint Joseph Mounties Division II championship cheerleading team.

H.C.R. 135. House concurrent resolution honoring Burlington Police Chief Michael Schirling on his exemplary law enforcement career.

H.C.R. 136. House concurrent resolution honoring the Rutland Young Professionals and its networking activities.

H.C.R. 137. House concurrent resolution recognizing the important role of adoptions in Vermont family life.

H.C.R. 138. House concurrent resolution congratulating the 2015 Richford High School Rockets Division III championship girls’ basketball team.

H.C.R. 139. House concurrent resolution in memory of Susan Elizabeth Keese Pyatak of South Newfane.

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. 16. Senate concurrent resolution congratulating Raney Aronson-Rath on winning the 2015 Vermont Public Media Ambassador Award.

And has adopted the same in concurrence.

Joint Resolutions Placed on Calendar

J.R.H. 13.

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

Joint resolution authorizing the 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 25, 2015, from 8:00 a.m. to 4:30 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.

J.R.H. 14.

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

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

Whereas, the American Legion Auxiliary in Vermont sponsors the Green Mountain Girls State program, which provides an opportunity for girls 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 girls 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 Girls State program on Wednesday, June 17, 2015, from 8:00 a.m. to 4:30 p.m., and be it further

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

Joint Resolution Referred

J.R.H. 16.

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

Joint resolution relating to the approval of State land transactions.

Whereas, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation to exchange or lease certain lands with the approval of the General Assembly, and

Whereas, the General Assembly considers the following actions to be in the best interest of the State, now therefore be it

Resolved by the Senate and House of Representatives:

That the Commissioner of Forests, Parks and Recreation is authorized to convey a nonexclusive easement along a road known locally as the “Swift Road” in the Proctor-Piper State Forest in Cavendish to the owners of lots designated as lots 16, 17, 18, 19, and 20 on the 2009 town of Cavendish tax map. The easement granted to these five lots shall be limited to forestry uses and to access not more than one seasonal recreational camp on each lot. All costs related to repairing, maintaining, and reconstructing the segment of Swift Road within the easement, and any associated structures within the easement, shall be the sole responsibility of the five lot owners; provided, however, that the five lot owners shall not construct any utilities within the easement. In consideration of the public benefits associated with this action, the easement conveyed to the five lot owners shall be at no cost. The Commissioner’s conveying of this easement is conditioned on the owner of lot 20 conveying to the owners of lots 16, 17, 18, and 19 a separate easement allowing permanent vehicular access across lot 20, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Institutions.

Bills Referred

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

H. 8.

An act relating to the oversight of the transfer of military equipment to law enforcement agencies.

To the Committee on Rules.

H. 187.

An act relating to absence from work for health care and safety.

To the Committee on Rules.

H. 280.

An act relating to amending the State Board of Education rules on school lighting requirements.

To the Committee on Rules.

H. 494.

An act relating to approval of the adoption and codification of the charter of the Town of Weybridge.

To the Committee on Rules.

H. 496.

An act relating to approval of the adoption and codification of the charter of the Town of West Fairlee.

To the Committee on Rules.

H. 499.

An act relating to approval of the adoption and codification of the charter of the Town of Salisbury.

To the Committee on Rules.

Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**H. 488.**

House bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senator Sears moved to amend the Senate proposal of amendment by striking out Sec. 34 and the reader assistance thereto in their entirety and inserting in lieu thereof the following:

* * * Evaluation of Adopt a Park and Ride Program; Adopt a Highway Program * * *

Sec. 34. EVALUATION OF ADOPT A PARK AND RIDE PROGRAM;
ADOPT A HIGHWAY PROGRAM

(a) The Agency shall evaluate the merits of implementing an Adopt a Park and Ride Program, whereby organizations volunteer to clean up litter at State Park and Ride facilities with permission of the Agency. On or before January 15, 2016, the Agency shall either begin to implement such a Program or report back to the House and Senate Committees on Transportation on the reasons it does not recommend implementing a Program.

(b) The Agency shall evaluate the merits of implementing an Adopt a Highway Program, whereby organizations volunteer to clean up litter along State highways with permission of the Agency. On or before January 15, 2016, the Agency shall report back to the House and Senate Committees on Transportation on whether such a Program should be implemented.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 30, Nays 0.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Bray, Campbell, Champion, Collamore, Cummings, Degree, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: None.

Third Reading Ordered

J.R.S. 20.

Senator Doyle, for the Committee on Education, to which was referred joint Senate resolution entitled:

Joint resolution relating to the Vermont Student Assistance Corporation's lending authority.

Reported that the joint resolution ought to be adopted in concurrence.

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

Appointments Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:

Lang, Lisa of Waitsfield - Member, Travel Information Council – March 18, 2015, to February 28, 2017.

Coen, David of Shelburne - Member, Transportation Board - April 9, 2015, to February 29, 2016.

Bailey, Richard of Hyde Park - Member, Transportation Board – April 9, 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:

Goldstein, Joan of Royalton - Commissioner, Department of Economic Development - April 20, 2015, to February 28, 2017.

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 Senator MacDonald,

By Representatives Davis and Graham,

S.C.R. 16.

Senate concurrent resolution congratulating Raney Aronson-Rath on winning the 2015 Vermont Public Media Ambassador Award.

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 Frank and others,

H.C.R. 128.

House concurrent resolution designating April 29, 2015, as National Walk@Lunch Day in Vermont.

By House Committee on General, Housing and Military Affairs,

H.C.R. 129.

House concurrent resolution recognizing April, 2015, as Fair Housing Month in Vermont.

By Representative Smith and others,

By Senators Campbell and Sears,

H.C.R. 130.

House concurrent resolution honoring Judge Amy Marie Davenport in recognition of her many professional accomplishments.

By Representative Morris and others,

H.C.R. 131.

House concurrent resolution designating May 10–16, 2015 as Women’s Lung Health Week in Vermont.

By Representative Potter and others,

H.C.R. 132.

House concurrent resolution commemorating the 20th anniversary of the Clarendon Elementary School Peace Garden.

By Representative Fagan and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 133.

House concurrent resolution congratulating the 2015 Mt. Saint Joseph Academy Mounties Division IV championship girls’ basketball team.

By Representative Fagan and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 134.

House concurrent resolution congratulating the 2015 Mt. Saint Joseph Mounties Division II championship cheerleading team.

By Representative Donovan and others,

H.C.R. 135.

House concurrent resolution honoring Burlington Police Chief Michael Schirling on his exemplary law enforcement career.

By Representative Russell and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 136.

House concurrent resolution honoring the Rutland Young Professionals and its networking activities.

By Representative Strong and others,

H.C.R. 137.

House concurrent resolution recognizing the important role of adoptions in Vermont family life.

By Representative Pearce and others,

By Senators Degree, McAllister, Rodgers and Starr,

H.C.R. 138.

House concurrent resolution congratulating the 2015 Richford High School Rockets Division III championship girls' basketball team.

By Representative Long and others,

H.C.R. 139.

House concurrent resolution in memory of Susan Elizabeth Keese Pyatak of South Newfane.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, April 28, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 25.