

Journal of the Senate

THURSDAY, MARCH 17, 2016

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Joint Assembly

At ten o'clock and thirty minutes in the morning, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 43. Joint resolution providing for a Joint Assembly to vote on the retention of four Superior Judges.

The Senate repaired to the hall of the House.

Having returned therefrom, at eleven o'clock and twenty-nine minutes in the morning, the President assumed the Chair.

Message from the House No. 34

A message was received from the House of Representatives by Mr. Jeremy Weiss, 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. 308. An act relating to limiting the liability of VAST arising from snowmobile operation outside the Statewide Snowmobile Trail System.

H. 529. An act relating to State aid for school construction repayment obligations.

H. 570. An act relating to hunting, fishing, and trapping.

H. 852. An act relating to State lands.

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

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

J.R.S. 46. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon.

Called to Order

The Senate was called to order by the President.

**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:

Harris, Michael J. of Williston - Judge of the Superior Judge, - from March 11, 2016, to February 28, 2022.

To the Committee on Judiciary.

Pacht, John of Hinesburg - Judge of the Superior Judge, - from April 1, 2016, to February 28, 2022.

To the Committee on Judiciary.

Senate Resolution Referred**S.R. 9.**

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

Senate resolution relating to the proposed Trans-Pacific Partnership Agreement.

By Senator Lyons, Ashe, Ayer, Balint, Baruth, Bray, Campbell, Campion, Cummings, MacDonald, McCormack, Mullin, Pollina, Rodgers, Sirotkin, Starr, White, and Zuckerman,

S.R. 9. Senate resolution relating to the proposed Trans-Pacific Partnership Agreement.

Whereas, U.S. trade deals for the past 25 years have incorporated rules that skew benefits, requiring working families to bear the brunt of such policies, and

Whereas, the Economic Policy Institute (EPI) reported that, from the date of China's entry into the World Trade Organization in 2001 through September 30, 2013, the trade deficit with China had cost 2.7 million American jobs, and

Whereas, EPI also reported that, as of the United States–Korea Free Trade Agreement’s third anniversary in March 2015, the loss of 75,000 American jobs was attributable to the agreement, and

Whereas, on the North American Free Trade Agreement’s (NAFTA) 20th anniversary in 2014, Public Citizen reported that NAFTA had cost one million U.S. jobs, and

Whereas, more broadly, according to the U.S. census, in 2000, there were 16,845,612 manufacturing jobs in the country, but, in 2014, the number had declined to only 11,021,476, and

Whereas, bad trade policies have undermined the American manufacturing base and threaten the nation’s economic and national security, and

Whereas, the relocation of manufacturing and service jobs offshore deprives local and state governments of sorely needed revenue and jeopardizes the livelihoods of millions of Americans, and

Whereas, under NAFTA-style trade rules, the U.S. annual trade deficit, according to the U.S. census, has increased dramatically, from \$70.3 billion in 1993, the year before NAFTA went into effect, to \$531.5 billion in 2015, and

Whereas, the disproportionate voice of powerful global corporations in the formation of U.S. free-trade agreements has advanced an agenda that undermines the public interest and threatens democracy, and

Whereas, NAFTA and other U.S. trade deals include a special legal right for foreign investors, known as an “investor-state dispute settlement” (ISDS), allowing foreign firms to bypass state and federal courts and instead take legal disputes to international tribunals, and

Whereas, in October 2015, 12 nations, including the United States, agreed to the text of the Trans-Pacific Partnership (TPP), which is the multilateral trade agreement with the most nations as signatories other than the World Trade Organization, and

Whereas, U.S. accession to the accord still requires U.S. House and Senate approval, and

Whereas, promoting economic growth with equity in Vermont requires reforms to the trade negotiation process that ensure that voices of workers, farmers, small businesses, families, and communities are heard, and

Whereas, TPP has been negotiated in secret, effectively shutting out the negotiating process from state and local governments, and

Whereas, given congressional enactment of fast-track trade negotiating authority, states, localities, and their citizens will have no opportunity to correct shortcomings in the TPP, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont urges Congress to oppose the Trans-Pacific Partnership and any similar trade deals if it fails to restructure the misguided and failed policies of the past, *and be it further*

Resolved: That the Senate of the State of Vermont requests the Vermont Congressional Delegation to support new trade deals, including the Trans-Pacific Partnership, only if they will:

Exclude investor-to-state dispute settlement and other provisions that favor foreign companies over domestic ones and that undermine public choices;

Ensure that countries cannot undercut U.S.-based producers with weaker labor and environmental laws and enforcement;

Ensure that the United States will engage in robust enforcement of trade rules, including labor and environmental rules;

Include strong rule-of-origin language to promote economic growth and job creation in the United States;

Promote high standards of protection for workplaces, products, and natural resources rather than a race to the bottom; and

Put the interests of people and the planet over the interests of private profit, *and be it further*

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

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing & General Affairs.

Bills Referred

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

H. 308.

An act relating to limiting the liability of VAST arising from snowmobile operation outside the Statewide Snowmobile Trail System.

To the Committee on Transportation.

H. 529.

An act relating to State aid for school construction repayment obligations.
To the Committee on Institutions.

H. 570.

An act relating to hunting, fishing, and trapping.
To the Committee on Natural Resources & Energy.

H. 852.

An act relating to State lands.
To the Committee on Natural Resources & Energy.

Bill Amended; Third Reading Ordered**S. 257.**

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

An act relating to residential rental agreements.

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

Sec. 1. 9 V.S.A. § 4451 is amended to read:

§ 4451. DEFINITIONS

As used in this chapter:

* * *

(9) “Sublease” means a rental agreement, written or oral, embodying terms and conditions concerning the use and occupancy of a dwelling unit and premises between two tenants, a sublessor and a sublessee.

(10) “Tenant” means a person entitled under a rental agreement to occupy a residential dwelling unit to the exclusion of others.

Sec. 2. 9 V.S.A. § 4452 is amended to read:

§ 4452. EXCLUSIONS

Unless created to avoid the application of this chapter, this chapter does not apply to any of the following:

* * *

(7) transient residence in a campground, which for the purposes of this chapter means any property used for seasonal or short-term vacation or

recreational purposes on which are located cabins, tents, or lean-tos, or campsites designed for temporary set-up of portable or mobile camping, recreational, or travel dwelling units, including tents, campers, and recreational vehicles such as motor homes, travel trailers, truck campers, and van campers; or

(8) transient occupancy in a hotel, motel, or lodgings during the time the occupant is a recipient of General Assistance or Emergency Assistance temporary housing assistance, regardless of whether the occupancy is subject to a tax levied under 32 V. S.A. chapter 225; or

(9) occupancy of a dwelling unit without right or permission by a person who is not a tenant.

Sec. 3. 9 V.S.A. 4456b is added to read:

§ 4456b. SUBLEASES; LANDLORD AND TENANT RIGHTS AND OBLIGATIONS

(a)(1) A landlord may condition or prohibit subleasing a dwelling unit under the terms of a written rental agreement, and may require a tenant to provide actual notice of the name and contact information of any sublessee occupying the dwelling unit.

(2) If the terms of a written rental agreement prohibit subleasing the dwelling unit, the landlord or tenant may give a person who is not a tenant and is occupying the dwelling unit without right or permission notice against trespass pursuant to 13 V.S.A. § 3705(a). This subdivision (2) shall not be construed to limit the rights and remedies available to a landlord pursuant to this chapter.

(b) In the absence of a written rental agreement, a tenant shall provide the landlord with actual notice of the name and contact information of any sublessee occupying the dwelling unit.

Sec. 4. 13 V.S.A. § 3705 is amended to read:

§ 3705. UNLAWFUL TRESPASS

(a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without right or permission, he or she is occupying a dwelling unit for which a written rental agreement has prohibited subleasing pursuant to 9 V.S.A. § 4456b as to which notice against trespass is given, or, without legal authority or the consent of the person in lawful possession, he or she enters or remains on any land or in any place as to which notice against trespass is given. Notice against trespass may be given by:

(A) actual communication by the person in lawful possession or his or her agent or by a law enforcement officer acting on behalf of such person or his or her agent;

* * *

(D) in the case of a dwelling unit for which a written rental agreement has prohibited subleasing pursuant to 9 V.S.A. § 4456b, actual communication by the landlord or his or her agent or by a law enforcement officer acting on behalf of the landlord or his or her agent.

* * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

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

Joint Resolution Adopted on the Part of the Senate

J.R.S. 47.

Joint Senate resolution entitled:

Joint resolution expressing appreciation to the National Milk Producers Federation and Vermont's dairy farmers for their phasing out the tail docking of dairy farm animals.

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

Joint Resolution Adopted in Concurrence

Joint House resolution entitled:

J.R.H. 23. Joint resolution authorizing Green Mountain Boys State educational program to use the State House.

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

Thereupon, the resolution was adopted in concurrence.

Bills Passed

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

S. 91. An act relating to qualifications of judicial officers and judicial selection and retention.

S. 132. An act relating to the prohibition of conversion therapy on minors.

S. 176. An act relating to an income tax credit for home modifications required by a disability or physical hardship.

S. 215. An act relating to the regulation of vision insurance plans.

S. 216. An act relating to prescription drug formularies.

S. 224. An act relating to warranty obligations of equipment dealers and suppliers.

Adjournment

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the morning.