

# Journal of the Senate

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FRIDAY, FEBRUARY 3, 2017

The Senate was called to order by the President *pro tempore*.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Jeff Fuller of Waterbury Center.

## Message from the House No. 12

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, 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. 53.** An act relating to permitting planting projects in flood hazard areas.

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

## Message from the House No. 13

A message was received from the House of Representatives by Ms. Melissa Kucserik, its First Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

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

**J.R.S. 12.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

## Joint Resolutions Placed on Calendar

### J.R.S. 13.

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

By Senator White,

**J.R.S. 13.** Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, February 16, 2017, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

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.S. 14.**

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

By Senator White,

**J.R.S. 14.** Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2017.

*Whereas*, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

*Whereas*, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

*Whereas*, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

*Whereas*, if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 16, 2017, shall be governed by the following procedure:

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(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

### **Senate Resolution Placed on Calendar**

#### **S.R. 5.**

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

By All Members of the Senate,

**S.R. 5.** Senate resolution relating to declaring the Vermont Senate's continuing dedication to its historic and fundamental values of democracy, diversity, and pluralism.

*Whereas*, Vermont has a long and proud history of standing up for human rights and democratic values, and

*Whereas*, the original Vermont Constitution of 1777 declared “all men are born free and independent,” and

*Whereas*, this founding document included the common benefits clause, abolished adult slavery, guaranteed freedom of religion and speech, and provided in clause 8 of Chapter I “that all freemen having a sufficient evident common interest with, and attachment to the community, have a right to elect officers, or be elected into office,” and

*Whereas*, prior to the Civil War, the General Assembly defiantly refused to enforce fugitive slave laws of other jurisdictions, and

*Whereas*, while Vermont has been a leader in protecting civil liberties and ensuring individual rights, our State has erred on occasion and it is imperative that we learn from our past mistakes, and

*Whereas*, the Green Mountain State is—and must always be—a refuge of justice and opportunity for all persons, *now therefore be it*

***Resolved by the Senate:***

That the Senate of the State of Vermont will not acquiesce in any encroachment on our fundamental democratic values nor allow a reversal of generations of progress in the promotion of diversity, equality, pluralism, social justice, and mutual respect for one another, *and be it further*

***Resolved:*** That the Senate of the State of Vermont will oppose the weakening of federal laws that ensure and protect the rights of all Vermonters, regardless of a person's ethnicity, legal residency status, place of birth, race, religion, or sexual orientation, *and be it further*

***Resolved:*** That the Senate of the State of Vermont will unfailingly defend our State's progress towards a truly equal, pluralistic, and welcoming society, using every tool at our disposal, *and be it further*

***Resolved:*** That the Senate of the State of Vermont will oppose initiatives intended to reimpose longdiscarded federal laws or policies that limited the associational, political, and religious rights of some Americans, *and be it further*

***Resolved:*** That the Senate of the State of Vermont will not countenance the extinguishment of the Statue of Liberty's flame of freedom that Emma Lazarus described so movingly in her poem, *The New Colossus*, *and be it further*

***Resolved:*** That the Senate of the State of Vermont declares its continuing dedication to defending our State's historic and fundamental democratic values, *and be it further*

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

Thereupon, in the discretion of the President, under Rule 51, the resolution was placed on the Calendar for action the next legislative day.

**Bills Introduced**

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

**S. 65.**

By Rodgers and Starr,

An act relating to jury service by senior citizens.

To the Committee on Judiciary.

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**S. 66.**

By Senators Lyons, Ayer, Cummings, MacDonald and McCormack,

An act relating to a cap and trade program for greenhouse gas emissions caused by transportation, heating, and other energy use.

To the Committee on Natural Resources and Energy.

**S. 67.**

By Senators MacDonald and Rodgers,

An act relating to increasing the penalties for the shooting of a law enforcement dog.

To the Committee on Judiciary.

**S. 68.**

By Senators MacDonald, Campion, Cummings, Flory, Lyons and Mullin,

An act relating to partition of real estate when parties have a pending case in the Family Division of the Superior Court.

To the Committee on Judiciary.

**S. 69.**

By Senator Sears,

An act relating to an employer's compliance with an income withholding order from another state.

To the Committee on Judiciary.

**Bill Referred**

House bill of the following title was read the first time and referred:

**H. 53.**

An act relating to permitting planting projects in flood hazard areas.

To the Committee on Natural Resources and Energy.

**Appointments Confirmed**

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

The nominations of

Pallito, Andy of Jericho - Commissioner, Department of Finance and Management - January 5, 2017, to February 28, 2017.

Pallito, Andy of Jericho - Commissioner, Department of Finance and Management - March 1, 2017, to February 28, 2019.

Were collectively confirmed by the Senate.

The nomination of

Young, Susanne of Northfield - Secretary, Agency of Administration - January 5, 2017, to February 28, 2017.

Was confirmed by the Senate.

The nomination of

Young, Susanne of Northfield - Secretary, Agency of Administration - March 1, 2017, to February 28, 2019.

Was confirmed by the Senate on a roll call, Yeas 28, Nays 0.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Ayer, Balint, Baruth, Benning, Branagan, Bray, Brooks, Campion, Clarkson, Collamore, Degree, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

**Those Senators absent or not voting were:** Ashe (presiding), Cummings.

#### **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 Reps. Devereux and others,

By Senators Clarkson, McCormack, Nitka, Collamore, and Flory,

**H.C.R. 26.** House concurrent resolution commemorating the 225th anniversary of the Town of Mount Holly.

By Reps. Stevens and others,

**H.C.R. 27.** House concurrent resolution congratulating the 2016 Harwood Union High School Highlanders Division II championship girls' crosscountry team.

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By Representative Till,

**H.C.R. 28.** House concurrent resolution honoring Tufts University Medical Center neurosurgery chair Dr. Carl B. Heilman.

By Reps. Lucke and others,

By Senators Clarkson, McCormack, and Nitka,

**H.C.R. 29.** House concurrent resolution congratulating the 2016 Hartford High School Hurricanes Division I championship football team.

By Representative Turner,

**H.C.R. 30.** House concurrent resolution designating the month of February 2017 as SelfCare Month in Vermont.

#### **Message from the House No. 14**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, 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. 58.** An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older.

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

The House has considered a bill originating in the Senate of the following title:

**S. 1.** An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018.

And has passed the same in concurrence.

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

**H.C.R. 26.** House concurrent resolution commemorating the 225th anniversary of the Town of Mount Holly.

**H.C.R. 27.** House concurrent resolution congratulating the 2016 Harwood Union High School Highlanders Division II championship girls' cross-country team.

**H.C.R. 28.** House concurrent resolution honoring Tufts University Medical Center neurosurgery chair Dr. Carl B. Heilman.

**H.C.R. 29.** House concurrent resolution congratulating the 2016 Hartford High School Hurricanes Division I championship football team.

**H.C.R. 30.** House concurrent resolution designating the month of February 2017 as Self-Care Month in Vermont.

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

### **Adjournment**

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, February 7, 2017, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 12.