

Journal of the Senate

FRIDAY, MARCH 16, 2018

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

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 30

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 House bills of the following titles:

H. 599. An act relating to games of chance organized by nonprofit organizations.

H. 620. An act relating to State-owned airports and economic development.

H. 660. An act relating to establishing the Commission on Sentencing Disparities and Criminal Code Reclassification.

H. 696. An act relating to establishing a State individual mandate.

H. 707. An act relating to the prevention of sexual harassment.

H. 739. An act relating to energy productivity investments under the self-managed energy efficiency program.

H. 771. An act relating to the Vermont National Guard.

H. 802. An act relating to rural economic development infrastructure districts.

H. 854. An act relating to promoting television and film production.

H. 874. An act relating to inmate access to prescription drugs.

H. 894. An act relating to pensions, retirement, and setting the contribution rates for municipal employees.

H. 906. An act relating to professional licensing for service members and veterans.

H. 908. An act relating to the Administrative Procedure Act.

H. 909. An act relating to technical and clarifying changes in transportation-related laws.

H. 910. An act relating to the Open Meeting Law and the Public Records Act.

H. 912. An act relating to the health care regulatory duties of the Green Mountain Care Board.

H. 914. An act relating to reporting requirements for the second year of the Vermont Medicaid Next Generation ACO Pilot Project.

H. 915. An act relating to the protection of pollinators.

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

Bills Referred

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

H. 599.

An act relating to games of chance organized by nonprofit organizations.

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

H. 620.

An act relating to State-owned airports and economic development.

To the Committee on Transportation.

H. 660.

An act relating to establishing the Commission on Sentencing Disparities and Criminal Code Reclassification.

To the Committee on Judiciary.

H. 696.

An act relating to establishing a State individual mandate.

To the Committee on Health and Welfare.

H. 707.

An act relating to the prevention of sexual harassment.

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

H. 739.

An act relating to energy productivity investments under the self-managed energy efficiency program.

To the Committee on Finance.

H. 771.

An act relating to the Vermont National Guard.

To the Committee on Government Operations.

H. 802.

An act relating to rural economic development infrastructure districts.

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

H. 854.

An act relating to promoting television and film production.

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

H. 874.

An act relating to inmate access to prescription drugs.

To the Committee on Institutions.

H. 894.

An act relating to pensions, retirement, and setting the contribution rates for municipal employees.

To the Committee on Government Operations.

H. 906.

An act relating to professional licensing for service members and veterans.

To the Committee on Government Operations.

H. 908.

An act relating to the Administrative Procedure Act.

To the Committee on Government Operations.

H. 909.

An act relating to technical and clarifying changes in transportation-related laws.

To the Committee on Transportation.

H. 910.

An act relating to the Open Meeting Law and the Public Records Act.

To the Committee on Government Operations.

H. 912.

An act relating to the health care regulatory duties of the Green Mountain Care Board.

To the Committee on Health and Welfare.

H. 914.

An act relating to reporting requirements for the second year of the Vermont Medicaid Next Generation ACO Pilot Project.

To the Committee on Health and Welfare.

H. 915.

An act relating to the protection of pollinators.

To the Committee on Agriculture.

Bill Amended; Bill Passed**S. 272.**

Senate bill entitled:

An act relating to miscellaneous changes to laws related to motor vehicles and motorboats.

Was taken up.

Thereupon, pending third reading of the bill, Senators Westman, Brock, Flory, Kitchel and Mazza moved to amend the bill by striking out Sec. 18 and the reader assistance thereto in their entirety and inserting in lieu thereof the following:

* * * Motor Vehicle Inspections * * *

Sec. 18. 23 V.S.A. § 1222 is amended to read:

§ 1222. INSPECTION OF REGISTERED VEHICLES

(a) Except for school buses, which shall be inspected as prescribed in section 1282 of this title, and motor buses as defined in subdivision 4(17) of this title, which shall be inspected twice during the calendar year at six-month intervals, all motor vehicles registered in this State shall be inspected once each year. Any motor vehicle, trailer, or semi-trailer not currently inspected in this State shall be inspected within 15 days ~~from~~ following the date of its registration in the State of Vermont.

(b)(1) The inspections shall be made at garages or qualified service stations, designated by the Commissioner as inspection stations, for the purpose of determining whether those motor vehicles are properly equipped and maintained in good mechanical condition; provided, however, the scope of the safety inspection of a motor vehicle other than a school bus or a commercial motor vehicle shall be limited to parts or systems that are relevant to the vehicle's safe operation, and such vehicles shall not fail the safety portion of the inspection unless the condition of the part or system poses or may pose a danger to the operator or to other highway users.

(2) The charges for such inspections made by garages or qualified service stations designated to conduct periodic inspections shall be subject to the approval of the Commissioner. If a fee is charged for inspection, it shall be based upon the hourly rate charged by each official inspection station or it may be a flat rate fee and, in either instance, the fee shall be prominently posted and displayed beside the official inspection station certificate. In addition, the official inspection station may disclose the State inspection certificate charge on the repair order as a separate item and collect the charge from the consumer.

* * *

Sec. 19. RULEMAKING; TRANSITION

(a) As soon as practicable after the effective date of this section, and not later than May 1, 2018, the Commissioner of Motor Vehicles (Commissioner) shall file with the Secretary of State proposed amended rules governing motor vehicle inspections that:

(1) are consistent with the permissible scope of safety inspections under the amendments to 23 V.S.A. § 1222 in Sec. 18 of this act; and

(2) clarify ambiguous language in the rules.

(b) In the proposed rule amendments, the Commissioner may direct inspection stations to identify advisory, recommended repairs that are not required for the vehicle to pass inspection.

(c) Except as provided in subdivision (a)(2) and subsection (d) of this section, nothing in this section or Sec. 18 of this act is intended to affect the emissions-related requirements of the rules governing motor vehicle inspections.

(d) Notwithstanding 10 V.S.A. § 567 and C.V.R. 14-050-022, the Commissioner may establish criteria to allow vehicles that would otherwise fail inspection to pass the inspection and receive an inspection sticker, provided that the vehicle satisfies all inspection requirements that are relevant to the vehicle's safe operation. The authority conferred in this subsection shall expire on July 1, 2019.

* * * Effective Dates * * *

Sec. 20. EFFECTIVE DATES

(a) Secs. 9 and 11 (means of transmitting fuel tax payments) shall take effect on July 1, 2019.

(b) Secs. 10 and 12 (means of transmitting fuel tax payments) shall take effect on July 1, 2020.

(c) Sec. 18 (scope of motor vehicle safety inspections) shall take effect upon the effective date of the amended rules required to be filed under Sec. 19 of this act.

(d) This section, Sec. 14 (new motor vehicle arbitration), and Sec. 17 (dealer records) shall take effect on passage.

(e) In Sec. 19 (rulemaking; transition; motor vehicle inspections):

(1) subsecs. (a)–(c) shall take effect on passage; and

(2) notwithstanding 1 V.S.A. § 214, subsec. (d) shall take effect retroactively on January 1, 2017.

(f) All other sections shall take effect on July 1, 2018.

Which was agreed to 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, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings,

Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

Those Senators who voted in the negative were: None.

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

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

Bills Passed

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

S. 111. An act relating to privatization contracts.

S. 287. An act relating to universal recycling requirements.

Bill Amended; Third Reading Ordered

S. 204.

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

An act relating to the registration of short-term rentals.

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

Sec. 1. 18 V.S.A. chapter 85 is amended to read:

CHAPTER 85. FOOD AND LODGING ESTABLISHMENTS

* * *

Subchapter 7. Short-Term Rentals

§ 4466. REGISTRATION OF SHORT-TERM RENTALS

(a) After January 1, 2019, a person shall not operate or maintain a short-term rental unless he or she registers with the Department and obtains and holds a valid certificate of compliance.

(b) Prior to offering for rent a short-term rental, a person shall register with the Commissioner by completing forms published by the Department and paying a registration fee as provided in section 4470 of this title.

(c) A person registering shall certify on the registration forms published by the Department that the short-term rental is in compliance with the following provisions:

(1) The unit does not have any known violations of relevant State and local fire, life safety, and zoning laws and rules and has all smoke and carbon monoxide detectors as required by 9 V.S.A. chapter 77.

(2) Each guest room is free of any evidence of insects, rodents, and other pests.

(3) If the unit utilizes water from a nonpublic water supply system, it does not have any known violations of Vermont's water supply rules.

(4) All sewage is disposed of through an approved facility, including either:

(A) a public sewage treatment plant; or

(B) an individual sewage disposal system that does not have any known violations of the Department of Environmental Conservation's rules and other applicable sanitation requirements.

(5) The registrant of the short-term rental is aware of his or her responsibility for the rooms tax described pursuant to 32 V.S.A. chapter 225 and other applicable local taxes and that failure to pay these taxes may result in suspension or revocation of the registrant's certificate of compliance.

(d)(1) The prospective registrant shall submit a registration application to the Department not fewer than 14 calendar days prior to offering a short-term rental for occupancy, except for those reservations established prior to January 1, 2019.

(2) The Department shall award an initial certificate of compliance upon receipt of the applicant's completed registration application and registration fee. The certificate of compliance shall state that the registrant has self-certified compliance with health and safety laws and regulations pursuant to subdivision (c) of this section and that the Department has not licensed or inspected the property.

(e) All certificates of compliance shall be displayed in a manner so as to be easily viewed by those occupying the short-term rental unit.

(f) Any prospective registrant aggrieved by a decision of the Department may appeal to the Board of Health pursuant to subsection 4351(e) of this title.

§ 4467. TERM; CERTIFICATE OF COMPLIANCE

A certificate of compliance shall expire one year after its date of issuance and may be renewed, if the certificate holder is in good standing with the Department, upon the payment of a new registration fee and the filing of a new self-certification registration form pursuant to subdivision 4466(c) of this title.

§ 4468. ADVERTISEMENT ON INTERNET-BASED PLATFORMS

A short-term rental registrant shall not advertise on an Internet-based platform without posting publicly on the platform the registrant's certificate of compliance number issued by the Department.

§ 4469. INSPECTION

(a) The Commissioner may inspect through his or her duly authorized officers, inspectors, agents, or assistants, at all reasonable times, a short-term rental and the registrant's records related to the short-term rental.

(b) Whenever an inspection demonstrates that the short-term rental is not operated in accordance with the provisions of this chapter, the officer, inspector, agent, or assistant shall notify the registrant of the conditions found and shall direct necessary changes.

(c) Nothing in this section shall be construed to supersede the authority and responsibilities of the Division of Fire Safety. The Division's Executive Director shall inform the Commissioner in a timely manner of any enforcement actions that the Division has taken against the registrant of a short-term rental.

§ 4470. FEES; REGISTRATION

At the time of registration or registration renewal, a short-term rental unit registrant shall pay to the Department the same fee as required pursuant to subdivision 4353(a)(2)(I).

§ 4471. ENFORCEMENT

(a) If a person is found to be in violation of this subchapter, the Commissioner shall issue a written notice and an order requiring both abatement of the violation and compliance with this subchapter within a reasonable period of time.

(b) A person upon whom the notice and order are served shall have an opportunity for a hearing at which he or she may show cause for vacating or amending the order. If it appears that the provisions of this chapter have not been violated, the Commissioner shall immediately vacate the order without prejudice. Conversely, if it appears that the provisions of this chapter have been violated and the person fails to comply with the order issued by the Commissioner, the Commissioner shall revoke, modify, or suspend the person's certificate of compliance or enforce a civil penalty pursuant to section 4309 of this title, or both.

§ 4472. MUNICIPAL AUTHORIZATION

A town, city, or incorporated village may use its ordinance authority to provide for more stringent health and safety regulations than those provided in this subchapter.

Sec. 2. EDUCATIONAL MATERIALS; SHORT-TERM RENTALS

(a) The Commissioner of Health shall prepare and publish on the Department's website educational materials for short-term rental registrants, including an explanation of all the requirements in 18 V.S.A. chapter 85, subchapter 7 and information regarding the importance of and coverage options for liability insurance.

(b) As used in this section, "short-term rental" shall have the same meaning as in 18 V.S.A. § 4301.

Sec. 3. REPORTS

(a) The Commissioner of Health shall submit the following written reports to the House Committees on Commerce and Economic Development and on Human Services and to the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare:

(1) on or before September 1, 2018 and on or before January 1, 2019, a report detailing the Department's progress in preparing for implementation of 18 V.S.A. chapter 85, subchapter 7; and

(2) on or before January 1, 2020, a report identifying any gaps or weaknesses related to the regulation of short-term rentals pursuant to 18 V.S.A. chapter 85, subchapter 7, data related to the number of registered short-term rental units and the collection of taxes, and any recommendations for legislative action.

(b) In preparing the reports required pursuant to subsection (a) of this section, the Commissioner shall consult with and accept written comments from the following:

(1) the Commissioner of Tourism and Marketing or designee;

(2) the Commissioner of Taxes or designee;

(3) the Executive Director of the Department of Public Safety's Division of Fire Safety;

(4) the Vermont Lodging Association;

(5) the Vermont Inn and Bed and Breakfast Association;

(6) one or more owners of short-term rentals in Vermont;

(7) one or more representatives of an online short-term rental property platform operating in Vermont; and

(8) one or more Vermonters with significant experience using an online short-term rental property platform to rent short-term rentals.

(c) As used in this section, “short-term rental” shall have the same meaning as in 18 V.S.A. § 4301.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

And that when so amended the bill ought to pass.

Senator Sirotkin, for the Committee on Finance, to which the bill was referred, reported that the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs with the following amendments thereto:

First: In Sec. 1, in 18 V.S.A. § 4466, by striking out subsection (e) in its entirety and redesignating the current subsection (f) to be the new subsection (e)

Second: In Sec. 1, in 18 V.S.A. § 4470, by striking out the words “the same fee as” and inserting in lieu thereof the words fifty percent of the fee

Third: In Sec. 3, in subdivision (b)(4), by striking out the words “Lodging Association” and inserting in lieu thereof the words Chamber of Commerce

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs was amended as recommended by the Committee on Finance.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs, as amended?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 28, Nays 0.

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: Ayer, Balint, Baruth, Benning, Bray, Brock, Brooks, Champion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

Those Senators who voted in the negative were: None.

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

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:

The nomination of

Hayward, Timothy of North Middlesex - Member, Transportation Board - July 26, 2017, to February 29, 2020.

Was confirmed by the Senate.

The nomination of

Wobby, Richard J. of Northfield - Member, Liquor Control Board - February 1, 2018, to January 31, 2023.

Was confirmed by the Senate.

Appointment Confirmed

The following Gubernatorial appointment was confirmed separately by the Senate, upon full report given by the Committee to which it was referred:

The nomination of

Greshin, Adam of Warren - Commissioner, Department of Finance and Management - July 10, 2017, to February 28, 2019.

Was confirmed by the Senate on a roll call Yeas 27, Nays 0.

Senator Benning 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, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, 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), Branagan, Soucy.

Message from the House No. 31

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 House bills of the following titles:

H. 639. An act relating to banning cost-sharing for all breast imaging services.

H. 730. An act relating to State response to waters in crisis.

H. 856. An act relating to miscellaneous amendments to municipal law.

H. 859. An act relating to requiring municipal corporations to affirmatively vote to retain ownership of lease lands.

H. 903. An act relating to regenerative farming.

H. 907. An act relating to improving rental housing safety.

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

The House has adopted joint resolution of the following title:

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

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. 272. House concurrent resolution honoring Manchester Fire Chief Philip Bourn for his laudable public service.

H.C.R. 273. House concurrent resolution honoring Brendan J. Whittaker of Brunswick for his years of insightful leadership in the State, municipal, and religious sectors.

H.C.R. 274. House concurrent resolution in memory of Gordon E. Tallman of Hyde Park.

H.C.R. 275. House concurrent resolution congratulating William Busier of Essex on his 100th birthday.

H.C.R. 276. House concurrent resolution commemorating the 100th anniversary of the Wayside Restaurant in Berlin.

H.C.R. 277. House concurrent resolution congratulating the 2018 Milton High School Yellowjackets Division II boys' championship indoor track and field team.

H.C.R. 278. House concurrent resolution honoring those who care for, educate, and advocate for young Vermonters and designating March 14, 2018 as Early Childhood Day at the State House.

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. 21. Senate concurrent resolution congratulating the Woodstock Stoners on winning the 2017 Maine-iac 'Spiel curling championship.

And has adopted the same in concurrence.

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 Senators Clarkson, McCormack and Nitka,

S.C.R. 21.

Senate concurrent resolution congratulating the Woodstock Stoners on winning the 2017 Maine-iac 'Spiel curling championship.

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. Keefe and others,

By Senators Champion, Sears, Collamore, Flory and Soucy,

H.C.R. 272.

House concurrent resolution honoring Manchester Fire Chief Philip Bourn for his laudable public service.

By Rep. Quimby,

H.C.R. 273.

House concurrent resolution honoring Brendan J. Whittaker of Brunswick for his years of insightful leadership in the State, municipal, and religious sectors.

By Reps. Higley and others,

By Senator Westman,

H.C.R. 274.

House concurrent resolution in memory of Gordon E. Tallman of Hyde Park.

By Rep. Bissonnette,

H.C.R. 275.

House concurrent resolution congratulating William Busier of Essex on his 100th birthday.

By Reps. Lewis and others,

By Senators Brooks, Cummings and Pollina,

H.C.R. 276.

House concurrent resolution commemorating the 100th anniversary of the Wayside Restaurant in Berlin.

By Reps. Turner and others,

H.C.R. 277.

House concurrent resolution congratulating the 2018 Milton High School Yellowjackets Division II boys' championship indoor track and field team.

By Reps. Pugh and others,

H.C.R. 278.

House concurrent resolution honoring those who care for, educate, and advocate for young Vermonters and designating March 14, 2018 as Early Childhood Day at the State House.

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, March 20, 2018, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 51.