

Journal of the Senate

FRIDAY, MARCH 1, 2019

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 21

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. 140. An act relating to the State Advisory Panel on Special Education.

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. 59. House concurrent resolution honoring former Bridport Selectboard member Thomas Carey Howlett for his outstanding community service.

H.C.R. 60. House concurrent resolution honoring Betty Bell of New Haven for her devoted community leadership.

H.C.R. 61. House concurrent resolution in memory of former Representative Richard Cutler Pembroke Sr. of Bennington.

H.C.R. 62. House concurrent resolution honoring firefighter extraordinaire and former Marshfield Moderator Tom Maclay.

H.C.R. 63. House concurrent resolution congratulating Charles Bothfeld of Cabot on his 100th birthday.

H.C.R. 64. House concurrent resolution congratulating Jon Wilbur on achieving a perfect 900 bowling score.

H.C.R. 65. House concurrent resolution honoring Vernon's extraordinary resident historian Barbara Ann Emery Moseley.

H.C.R. 66. House concurrent resolution designating March 13, 2019 as the 25th Early Childhood Day at the State House.

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

Message from the House No. 22

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 considered concurrent resolution originating in the Senate of the following title:

S.C.R. 5. Senate concurrent resolution honoring Ralph Pace of Ludlow for his community leadership and public service..

And has adopted the same in concurrence.

**Message from the Governor
Appointments Referred**

A message was received from the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

The nomination of

Tebbetts, Anson B. of Marshfield - Secretary of the Agency of Agriculture, Food and Markets - from March 1, 2019 to February 28, 2021.

To the Committee on Agriculture.

The nomination of

Goldstein, Joan of Royalton - Commissioner of the Department of Economic Development - from March 1, 2019 to February 28, 2021.

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

The nomination of

Harrington, Michael of Middlesex - Chair of the Employment Security Board - from March 1, 2019 to February 28, 2025.

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

The nomination of

Keenan, Kathleen of St. Albans - Member of the Employment Security Board - from March 1, 2019 to February 28, 2025.

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

The nomination of

Knight, Gwendolyn of Panton - Commissioner of the Department of Tourism and Marketing - from March 1, 2019 to February 28, 2021.

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

The nomination of

Kurrle, Lindsay H. of Middlesex - Commissioner of the Department of Labor - from March 1, 2019 to February 28, 2021.

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

The nomination of

Schirling, Michael of Burlington - Secretary of the Agency of Commerce and Community Development - from March 1, 2019 to February 28, 2021.

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

The nomination of

Flory, Margaret K. of Rutland - Member of the Vermont State Colleges Board of Trustees - from March 1, 2019 to February 28, 2023.

To the Committee on Education.

The nomination of

French, Daniel M. of Manchester Center - Secretary of the Agency of Education - from March 1, 2019 to February 28, 2021.

To the Committee on Education.

The nomination of

Grinold, Adam of Wilmington - Member of the Vermont State Colleges Board of Trustees - from March 1, 2019 to February 28, 2023.

To the Committee on Education.

The nomination of

Pieciak, Michael of Winooski - Commissioner of the Department of Financial Regulation - from March 1, 2019 to February 28, 2021.

To the Committee on Finance.

The nomination of

Sansom, Kaj of Montpelier - Commissioner of the Department of Taxes - from March 1, 2019 to February 28, 2021.

To the Committee on Finance.

The nomination of

Tierney, June of Randolph - Commissioner of the Department of Public Service - from March 1, 2019 to February 28, 2021.

To the Committee on Finance.

The nomination of

Fastiggi, Mary E. of Burlington - Commissioner of the Department of Human Resources - from March 1, 2019 to February 28, 2021.

To the Committee on Government Operations.

The nomination of

Greshin, Adam of Warren - Commissioner of the Department of Finance and Management - from March 1, 2019 to February 28, 2021.

To the Committee on Government Operations.

The nomination of

Quinn, John J., III, of Northfield - Secretary of the Agency of Digital Services - from March 1, 2019 to February 28, 2021.

To the Committee on Government Operations.

The nomination of

Young, Susanne R. of Northfield - Secretary of the Agency of Administration - from March 1, 2019 to February 28, 2021.

To the Committee on Government Operations.

The nomination of

Cruickshank, Brenda A. of Northfield - Member of the Human Services Board - from February 18, 2019 to February 28, 2023.

To the Committee on Health and Welfare.

The nomination of

Gobeille, Alfred J. of Shelburne - Secretary of the Agency of Human Services - from March 1, 2019 to February 28, 2021.

To the Committee on Health and Welfare.

The nomination of

Gustafson, Cory G. of Montpelier - Commissioner of the Department of Vermont Health Access - from March 1, 2019 to February 28, 2021.

To the Committee on Health and Welfare.

The nomination of

Hutt, Monica C. of Williston - Commissioner of the Department of Disabilities, Aging and Independent Living - from March 1, 2019 to February 28, 2021.

To the Committee on Health and Welfare.

The nomination of

Levine, Mark A. of Shelburne - Commissioner of the Department of Health - from March 1, 2019 to February 28, 2021.

To the Committee on Health and Welfare.

The nomination of

Rosenstreich, Judy P. of Shelburne - Member of the Board of Medical Practice - from February 18, 2019 to December 31, 2023.

To the Committee on Health and Welfare.

The nomination of

Schatz, Kenneth A. of South Burlington - Commissioner of the Department of Children and Families - from March 1, 2019 to February 28, 2021.

To the Committee on Health and Welfare.

The nomination of

Squirrell, Sarah of Waterbury Center - Commissioner of the Department of Mental Health - from March 1, 2019 to February 28, 2021.

To the Committee on Health and Welfare.

The nomination of

Cole, Christopher J. of Richmond - Commissioner of the Department of Buildings and General Services - from March 1, 2019 to February 28, 2021.

To the Committee on Institutions.

The nomination of

Touchette, Michael P. of Colchester - Commissioner of the Department of Corrections - from March 1, 2019 to February 28, 2021.

To the Committee on Institutions.

The nomination of

Boedecker, Emily of Montpelier - Commissioner of the Department of Environmental Conservation - from March 1, 2019 to February 28, 2021.

To the Committee on Natural Resources and Energy.

The nomination of

Moore, Julie S. of Middlesex - Commissioner of the Agency of Natural Resources - from March 1, 2019 to February 28, 2021.

To the Committee on Natural Resources and Energy.

The nomination of

Porter, Louis P. of Calais - Commissioner of the Department of Fish and Wildlife - from March 1, 2019 to February 28, 2021.

To the Committee on Natural Resources and Energy.

The nomination of

Snelling, Diane B. of Hinesburg - Chair of the Natural Resources Board - from March 1, 2019 to February 28, 2021.

To the Committee on Natural Resources and Energy.

The nomination of

Snyder, Michael C. of Stowe - Commissioner of the Department of Forests, Parks and Recreation - from March 1, 2019 to February 28, 2021.

To the Committee on Natural Resources and Energy.

The nomination of

Anderson, Thomas D. of Stowe - Commissioner of the Department of Public Safety - from March 1, 2019 to February 28, 2023.

To the Committee on Transportation.

The nomination of

Dement, Jacqueline of Burlington - Member of the Travel Information Council - from March 1, 2019 to February 28, 2021.

To the Committee on Transportation.

The nomination of

Fishman, Noah of Waterbury Center - Member of the Travel Information Council - from March 1, 2019 to February 28, 2021.

To the Committee on Transportation.

The nomination of

Flynn, Joseph of South Hero - Secretary of the Agency of Transportation - from March 1, 2019 to February 28, 2021.

To the Committee on Transportation.

The nomination of

Minoli, Wanda L. of Montpelier - Commissioner of the Department of Motor Vehicles - from March 1, 2019 to February 28, 2021.

To the Committee on Transportation.

Joint Resolution Placed on Calendar

J.R.S. 17.

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

By Senator Nitka,

J.R.S. 17. Joint resolution providing for a Joint Assembly to vote on the retention of eight Superior Judges and one Magistrate.

Whereas, declarations have been submitted by the following eight Superior Judges that they be retained for another six-year term, Judge William D. Cohen, Judge Robert P. Gerety, Jr., Judge Kevin William Griffin, Judge Samuel Hoar, Jr., Judge Elizabeth D. Mann, Judge Megan J. Shafritz, Judge Timothy B. Tomasi and Judge Thomas A. Zonay and one Magistrate that she be retained for another six year term, Magistrate Alicia Humbert, and

Whereas, the procedures of the Joint Committee on Judicial Retention require at least one public hearing and the review of information provided by each candidate and the comments of members of the Vermont bar and the public, and

Whereas, the Committee was unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 14, 2019, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 21, 2019, the date specified in subsection 10(b) of Title 2, and

Whereas, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 28, 2019, at ten o'clock and thirty minutes in the forenoon to vote on the retention of eight Superior Judges and one Magistrate. In case the vote to retain said Judges and Magistrate 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 until the above is completed

Thereupon, in the discretion of the President, under Rule 51, the joint 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. 139.

By Senator Clarkson,

An act relating to creating the Vermont Private Attorneys General Act.

To the Committee on Judiciary.

S. 140.

By Senator Sirotkin,

An act relating to allowing the Green Mountain Care Board to modify health insurance premiums.

To the Committee on Finance.

S. 141.

By Senators Clarkson, Balint, Hooker and Ingram,

An act relating to nutritional requirements for children's meals.

To the Committee on Health and Welfare.

S. 142.

By Senator Sirotkin,

An act relating to medical payments coverage and motor vehicle liability policies.

To the Committee on Judiciary.

Bills Passed

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

S. 18. An act relating to consumer justice enforcement.

S. 54. An act relating to the regulation of cannabis.

S. 86. An act relating to increasing the legal age for buying and using cigarettes, electronic cigarettes, and other tobacco products from 18 to 21 years of age.

S. 109. An act relating to captive insurance companies and risk retention groups.

Joint Resolution Adopted on the Part of the Senate**J.R.S. 13.**

Joint Senate resolution of the following title was read the third time and adopted on the part of the Senate:

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend the Department's lease with the Okemo Limited Liability Company and to authorize a conveyance of Woodchuck Mountain in Newbury as an alternative to the conveyance authorized in 2002 Acts and Resolves No. 149, Sec. 83(a)(3).

Bill Amended; Third Reading Ordered**S. 47.**

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

An act relating to the persons authorized to make contributions to candidates and political parties.

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

Sec. 1. 17 V.S.A. § 2901 is amended to read:

§ 2901. DEFINITIONS

As used in this chapter:

* * *

(13) “Political committee” or “political action committee” means any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, that accepts contributions of \$1,000.00 or more and makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election, or any such entity that registers as a political committee pursuant to section 2922 of this chapter prior to reaching those \$1,000.00 thresholds, and includes an independent expenditure-only political committee and a legislative leadership political committee.

* * *

Sec. 2. 17 V.S.A. § 2922 is amended to read:

§ 2922. POLITICAL COMMITTEES; REGISTRATION; CHECKING ACCOUNT; TREASURER

(a)(1)(A) Each political committee shall register with the Secretary of State within 10 days of making expenditures of \$1,000.00 or more and accepting contributions of \$1,000.00 or more stating, and any other political committee may register with the Secretary of State prior to reaching those \$1,000.00 thresholds.

(B) A political committee’s name shall include the full name of its connected organization, if applicable, or any clearly recognized abbreviation or acronym by which the connected organization is commonly known.

(C) In its registration, a political committee shall state:

(i) its full name and address;

(ii) the name and address of the bank in which it maintains its campaign checking account; ~~and~~

(iii) the name and address of the treasurer responsible for maintaining the checking account; and

(iv) if applicable, the full name of its connected organization and any clearly recognized abbreviation or acronym by which the connected organization is commonly known.

(2)(A) In addition to the requirements of subdivision (1) of this subsection, a legislative leadership political committee shall designate in its registration that it is established as a legislative leadership political committee.

(B) The Secretary of State shall provide on his or her website a list of all legislative leadership political committees that have been designated as provided in this subdivision (2).

(b)(1) All expenditures by a political committee shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the political committee under subsection (a) of this section, or, if under \$250.00, the political committee may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the political committee for at least two years from the end of the two-year general election cycle in which the expenditure was made.

(2) Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the political committee.

(c) A political committee whose principal place of business or whose treasurer is not located in this State shall file a statement with the Secretary of State designating a person who resides in this State upon whom may be served any process, notice, or demand required or permitted by law to be served upon the political committee. This statement shall be filed at the same time as the registration required in subsection (a) of this section.

(d) As used in this section, “connected organization” means the formal or informal committee of two or more individuals, corporation, labor organization, public interest group, or other entity that directly or indirectly establishes, administers, or financially supports a political committee. For purposes of this subsection:

(1) “Financially supports” does not include contributions to the political committee, but does include the payment of establishment, administration, and solicitation costs of the political committee; and

(2) Members of a connected organization, such as organizations that or individuals who are members of a trade association, labor organization, or public interest group that is a connected organization, shall not be considered to have directly or indirectly established, administered, or financially supported the connected organization’s political committee.

Sec. 3. 17 V.S.A. § 2941 is amended to read:

§ 2941. LIMITATIONS OF CONTRIBUTIONS

(a) In any election cycle:

(1)(A) A candidate for State Representative or for local office shall not accept contributions totaling more than:

- (i) \$1,000.00 from a single source; or
- (ii) \$1,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(2)(A) A candidate for State Senator or for county office shall not accept contributions totaling more than:

- (i) \$1,500.00 from a single source; or
- (ii) \$1,500.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(3)(A) A candidate for the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of Accounts, or Attorney General shall not accept contributions totaling more than:

- (i) \$4,000.00 from a single source; or
- (ii) \$4,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(4) A political committee shall not accept contributions totaling more than:

- (A) \$4,000.00 from a single source;
- (B) \$4,000.00 from a political committee; or
- (C) \$4,000.00 from a political party.

(5) A political party shall not accept contributions totaling more than:

- (A) \$10,000.00 from a single source;
- (B) \$10,000.00 from a political committee; or
- (C) \$60,000.00 from a political party.

(6) [Repealed.]

(b) A single source, political committee, or political party shall not contribute more to a candidate, political committee, or political party than the candidate, political committee, or political party is permitted to accept under this section.

(c)(1)(A) Notwithstanding any provision of law to the contrary, only an individual, a political committee, or a political party may make a contribution to a candidate or to a political party.

(B) In accordance with the provisions of subdivision (A) of this subdivision (1), an individual may make a contribution as follows, which in either case shall be considered a contribution from the individual:

(i) in the individual's capacity as an unincorporated sole proprietorship; or

(ii) from his or her revocable trust, if the individual is a named trustee.

(2) A candidate or a political party shall not accept a contribution from any person other than those permitted to make such a contribution under subdivision (1) of this subsection.

(d) As used in this section:

(1) For a candidate described in subdivisions (a)(1)-(3) of this section, an "election cycle" means:

(A) in the case of a general or local election, the period that begins 38 days after the previous general or local election for the office and ends 38 days after the general or local election for the office for which that person is a candidate, and includes any primary or ~~run-off~~ runoff election related to that general or local election; or

(B) in the case of a special election, the period that begins on the date the special election for the office was ordered and ends 38 days after that special election, and includes any special primary or ~~run-off~~ runoff election related to that special election.

(2) For a political committee, political party, or single source described in subdivisions (4)-(6) of subsection (a), an "election cycle" means a two-year general election cycle.

Sec. 4. EFFECTIVE DATE

This act shall take effect on December 11, 2020.

And that after passage the title of the bill be amended to read:

An act relating to the persons authorized to make contributions to candidates and political parties and to political committee names.

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, the recommendation of amendment was agreed to, and third reading of the bill was ordered on a roll call, Yeas 21, Nays 5.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Bray, Campion, Clarkson, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Perchlik, Pollina, Sirotkin, Westman, White.

Those Senators who voted in the negative were: Benning, Brock, Collamore, Parent, Rodgers.

Those Senators absent and not voting were: McNeil, Pearson, Sears, Starr.

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 Nitka, Clarkson and McCormack,

By Rep. Nicoll,

S.C.R. 5.

Senate concurrent resolution honoring Ralph Pace of Ludlow for his community leadership and public service..

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 Rep. Smith,
By Senators Bray and Hardy,

H.C.R. 59.

House concurrent resolution honoring former Bridport Selectboard member Thomas Carey Howlett for his outstanding community service.

By Rep. Smith,
By Senators Bray and Hardy,

H.C.R. 60.

House concurrent resolution honoring Betty Bell of New Haven for her devoted community leadership.

By Reps. Morrissey and others,
By Senators Campion and Sears,

H.C.R. 61.

House concurrent resolution in memory of former Representative Richard Cutler Pembroke Sr. of Bennington.

By Rep. Ancel,
By Senators Perchlik, Cummings and Pollina,

H.C.R. 62.

House concurrent resolution honoring firefighter extraordinaire and former Marshfield Moderator Tom Maclay.

By Rep. Toll,
By Senators Cummings, Perchlik and Pollina,

H.C.R. 63.

House concurrent resolution congratulating Charles Bothfeld of Cabot on his 100th birthday.

By Reps. Burditt and others,
By Senators Collamore, Hooker and McNeil,

H.C.R. 64.

House concurrent resolution congratulating Jon Wilbur on achieving a perfect 900 bowling score.

By Rep. Coffey,

H.C.R. 65.

House concurrent resolution honoring Vernon's extraordinary resident historian Barbara Ann Emery Moseley.

By Rep. Redmond,

H.C.R. 66.

House concurrent resolution designating March 13, 2019 as the 25th Early Childhood Day at the State House.

Adjournment

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, March 12, 2019, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 4.