

Journal of the Senate

FRIDAY, MAY 3, 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. 57

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. 550. An act relating to unclaimed property.

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. 278. An act relating to acknowledgment or denial of parentage.

And has severally concurred therein.

Message from the House No. 58

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 bills originating in the Senate of the following titles:

S. 40. An act relating to testing and remediation of lead in the drinking water of schools and child care facilities.

S. 43. An act relating to prohibiting prior authorization requirements for medication-assisted treatment.

S. 133. An act relating to juvenile jurisdiction.

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 joint resolution originating in the Senate of the following title:

J.R.S. 13. 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).

And has adopted the same in concurrence.

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

H. 526. An act relating to town clerk recording fees and town restoration and preservation reserve funds.

And has severally concurred therein.

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

H.C.R. 154. House concurrent resolution honoring former Representative David L. Deen of Westminster.

H.C.R. 155. House concurrent resolution honoring Fair Haven Grade School principal Wayne Cooke on his exemplary career in public education.

H.C.R. 156. House concurrent resolution in memory of Georgia community leader Harold Edmund Wilcox.

H.C.R. 157. House concurrent resolution congratulating the Fairbanks Museum & Planetarium on its 125th anniversary of conducting continuous meteorological services.

H.C.R. 158. House concurrent resolution congratulating the 2019 St. Johnsbury Academy Hilltoppers boys' Alpine ski team on winning its second consecutive State championship.

H.C.R. 159. House concurrent resolution congratulating the 2019 St. Johnsbury Academy Hilltoppers boys' and girls' Alpine skiing teams on winning the trophy for the highest combined score at the State championship meet.

H.C.R. 160. House concurrent resolution congratulating the 2019 St. Johnsbury Academy Division I girls' indoor track team on winning the school's fifth consecutive Division I championship.

H.C.R. 161. House concurrent resolution congratulating the 2019 St. Johnsbury Academy Hilltoppers Division I championship boys' basketball team.

H.C.R. 162. House concurrent resolution congratulating the 2018 St. Johnsbury Academy Hilltoppers Division III championship field hockey team.

H.C.R. 163. House concurrent resolution congratulating the St. Johnsbury Academy girls' basketball team on winning the school's second consecutive Division I championship.

H.C.R. 164. House concurrent resolution congratulating the 2018–2019 Colchester High School debate program for its outstanding record and State championship victory.

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

Rules Suspended; Bill Committed

H. 63.

Pending entry on the Calendar for notice, on motion of Senator Bray, the rules were suspended and House bill entitled:

An act relating to the time frame for return of unclaimed beverage container deposits.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Natural Resources and Energy, Senator Bray moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Finance with the report of the Committee on Natural Resources and Energy *intact*,

Which was agreed to.

Bill Referred to Committee on Appropriations

H. 529.

House bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

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

Bill Referred

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

H. 550. An act relating to unclaimed property.

And pursuant to Temporary Rule 44A was referred to the Committee on Rules.

**House Proposal of Amendment Not Concurred In; Committee of
Conference Requested**

S. 95.

House proposal of amendment to Senate bill entitled:

An act relating to municipal utility capital investment.

Was taken up.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 1822 is amended to read:

§ 1822. POWERS; APPROVAL OF VOTERS

(a) In addition to the powers it may now or hereafter have, a municipal corporation otherwise authorized to own, acquire, improve, control, operate, or manage a public utility or project and to issue bonds pursuant to this subchapter, may also, by action of its legislative branch, exercise any of the following powers:

(1) to borrow money and issue bonds for the purposes of acquiring, improving, maintaining, financing, controlling, or operating the public utility or project, or for the purpose of selling, furnishing, or distributing the services, facilities, products, or commodities of such utility or project;

(2) to enter into contracts in connection with the issuance of bonds for any of the purposes enumerated in subdivision (1) of this subsection;

(3) to purchase, hold, and dispose of any of its bonds;

(4) to pledge or assign all or part of any net revenues of the public utility or project, to provide for or to secure the payment of the principal of and the interest on bonds issued in connection with such public utility or project;

(5) to do any and all things necessary or prudent to carry out the powers expressly granted or necessarily implied in this subchapter, including without limitation those powers enumerated in section 1824 of this title.

(b)(1) The bonds authorized under this section shall be in such form, shall contain such provisions, and shall be executed as may be determined by the legislative branch of the municipal corporation, but shall not be executed, issued, or made, and shall not be valid and binding, unless and until at least a majority of the legal voters of such municipal corporation present and voting

at a duly warned annual or special meeting called for that purpose shall have first voted to authorize the same.

(2) The warning calling such a meeting shall state the purpose for which it is proposed to issue bonds, the estimated cost of the project, the amount of bonds proposed to be issued under this subchapter therefor, that such bonds are to be payable solely from net revenues, and shall fix the place where and the date on which such meetings shall be held and the hours of opening and closing the polls.

(3) The notice of the meeting shall be published and posted as provided in section 1756 of this title.

(4) When a majority of all the voters voting on the question at such meeting vote to authorize the issuance of bonds under this subchapter to pay for such project, the legislative body shall be authorized to issue bonds or enter into contracts, pledges, and assignments as provided in this subchapter.

(5) Sections 1757 and 1758 of this title shall apply to the proceedings taken hereunder, except that the form of ballot to be used shall be substantially as follows:

Shall bonds of the (name of municipality) to the amount of \$ _____ be issued under subchapter 2 of chapter 53 of Title 24, Vermont Statutes Annotated, payable only from net revenues derived from the (type) public utility system, for the purpose of paying for the following public utility project?

If in favor of the bond issue, make a cross (x) in this square .

If opposed to the bond issue, make a cross (x) in this square .

(c) The bonds authorized by this subchapter shall be sold at par, premium, or discount by negotiated sale, competitive bid, or to the Vermont Municipal Bond Bank.

(d) Notwithstanding the provisions of subsection (b) of this section, the legislative branch of a municipal corporation owning a municipal plant as defined in 30 V.S.A. § 2901 may authorize by resolution the issuance of bonds in an amount not to exceed 50 percent of the total assets of said municipal plant without the need for voter approval. Nothing in this subsection shall be interpreted as eliminating the requirement for approval from the Public Utility Commission pursuant to 30 V.S.A. § 108, where applicable.

Sec. 2. 30 V.S.A. § 108 is amended to read:

§ 108. ISSUE OF BONDS OR OTHER SECURITIES

* * *

(b) The provisions of this section shall not apply to the Vermont Public Power Supply Authority or to a public utility which that meets each and all of the following four conditions:

(1) is incorporated in some state other than Vermont;

(2) is conducting an interstate and intrastate telephone business ~~which~~ that is subject to regulation by the Federal Communications Commission in some respects;

(3) is conducting telephone operations in four or more states; and

(4) has less than 10 percent of its total investment in property used or useful in rendering service located within this State to the extent that such public utility may issue stock, bonds, notes, debentures, or other evidences of indebtedness not directly or indirectly constituting or creating a lien on any property used or useful in rendering service ~~which that~~ is located within this State.

(c)(1) A municipality shall not issue bonds or notes or pledge its net revenues under 24 V.S.A. chapter 53, respecting the ownership or operation of a gas or electric utility, unless the Public Utility Commission first finds, upon petition of the municipality and after notice and an opportunity for hearing, that the proposed action will be consistent with the general good of the State.

(2) If the Public Utility Commission does not issue its ruling within 90 days of the filing of the petition, as may be extended by consent of the municipality, the issuance of the proposed bonds or notes or pledge of net revenues shall be deemed to be consistent with the general good of the State.

(3) If the Public Utility Commission issues a ruling in accordance with subdivision (1) of this subsection, or does not rule within the period specified in subdivision (2) of this subsection, a municipality must ~~subsequently obtain~~ also have obtained voter approval in accordance with 24 V.S.A. chapter 53, if required, prior to issuing bonds or notes or pledging its net revenues.

(d) Notwithstanding the provisions of subsection (c) of this section, a municipality may:

(1) issue bonds or notes or pledge its net revenues payable within three years from the date of issue without such consent, provided such borrowing is necessary in an emergency to restore service immediately after damage by disaster; ~~or~~

(2) issue bonds or notes or pledge its net revenues payable within one year of the date of issuance without the consent otherwise required by this subdivision, provided its total bonds, notes, or evidences of indebtedness so payable within one year do not exceed 20 percent of its total assets; or

(3) issue bonds or notes without the consent otherwise required by this subdivision, provided:

(A) the amount of the issuance plus the amount of any bond or note issuances during the previous 12 calendar months does not exceed 20 percent of the municipality's total assets; and

(B) after the proposed issuance, the total amount of the municipality's outstanding bonds, notes, or evidences of indebtedness would not exceed 50 percent of its total assets.

Sec. 3. 30 V.S.A. § 5031(a)(4) is amended to read:

(4) Bonds and notes may be issued in accordance with this chapter, ~~subject to~~ without the need to obtain the consent and approval of the Public Utility Commission as provided in this title.

Sec. 4. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

As used in this chapter:

* * *

(10) "Group net metering system" means a net metering system serving more than one customer, or a single customer with multiple electric meters, located within the service area of the same retail electricity provider. Various buildings owned by municipalities, including water and wastewater districts, fire districts, villages, school districts, and towns, may constitute a group net metering system. A union or district school facility ~~shall~~ may be considered in the same group net metering system with buildings of its member ~~municipalities schools~~ schools that are located within the service area of the same retail electricity provider ~~that serves the facility.~~ The cumulative group net metering capacity of a customer that is a school district shall not exceed 1 MW provided that each account is enrolled in only one group.

* * *

Sec. 5. 30 V.S.A. § 8010 is amended to read:

§ 8010. SELF-GENERATION AND NET METERING

* * *

(f) Except for net metering systems for which the Commission has established a registration process, the Commission shall issue a final determination as to an uncontested application within 90 days of the date of the last substantive filing by a party.

Sec. 6. PUBLIC UTILITY COMMISSION; RULES

(a) The Public Utility Commission shall update its applicable rules for consistency with this act.

(b) The provisions of this act shall supersede any provisions to the contrary contained in the Public Utility Commission's rules as they existed immediately prior to the effective date of this act.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator Cummings, the Senate refused to concur in the House proposal of amendment and requested a Committee of Conference.

Bill Passed in Concurrence**H. 82.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to the taxation of timber harvesting equipment.

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

Baser, Fred of Bristol - Commissioner, Vermont Housing Finance Agency - February 1, 2019 to January 31, 2022.

Was confirmed by the Senate.

The nomination of

Buckley, Katherine of Guilford - Commissioner, Vermont Housing Finance Agency - February 2, 2018 to January 31, 2023.

Was confirmed by the Senate.

The nomination of

Ewins, Regine of Charlotte - Member, Board of Libraries - April 1, 2019 to February 28, 2023.

Was confirmed by the Senate.

The nomination of

Gleason, Kimberly of Essex Junction - Member, State Board of Education - April 15, 2019 to February 28, 2025.

Was confirmed by the Senate.

The nomination of

McKenzie, Mary Alice of Colchester - Director, Vermont Municipal Bond Bank - February 1, 2019, to January 31, 2021.

Was confirmed by the Senate.

The nomination of

Coates, David of Island Pond - Director, Vermont Municipal Bond Bank - February 1, 2019 to January 31, 2021.

Was confirmed by the Senate.

The nomination of

Kittell, Dana of East Fairfield - Member, Vermont Economic Development Authority - February 5, 2019 to June 30, 2024.

Was confirmed by the Senate.

The nomination of

Stearns-Parr, Gillian of South Burlington - Member, Medical Practice, Board of - January 1, 2019 to December 31, 2023.

Was confirmed by the Senate.

The nomination of

Morris, Elizabeth of Richmond - Member, Children and Family Council for Prevention Programs - August 15, 2018 to February 29, 2020.

Was confirmed by the Senate.

The nomination of

Donohue, Mike of Shelburne - Member, Human Services Board - February 10, 2019 to February 28, 2021.

Was confirmed by the Senate.

The nomination of

Manning, Morgan of Johnson - Member, Children and Family Council for Prevention Programs - August 24, 2018 to February 28, 2021.

Was confirmed by the Senate.

The nomination of

Willard, Alan R. of Woodstock - Member, State Labor Relations Board - January 1, 2019 to June 30, 2024.

Was confirmed by the Senate.

The nomination of

Tortolani, Robert E. of Brattleboro - Member, Board of Medical Practice - February 5, 2019 to December 31, 2023.

Was confirmed by the Senate.

The nomination of

Miller, Dale of Colchester - Member, State Workforce Development Board - August 3, 2018 to June 30, 2019.

Was confirmed by the Senate.

The nomination of

LeCours, Leo of Jericho - Member, Board of Medical Practice - January 1, 2019 to December 31, 2023.

Was confirmed by the Senate.

The nomination of

Laackman, Allyson of Burlington - Member, Vermont Housing and Conservation Board - January 10, 2019 to January 31, 2020.

Was confirmed by the Senate.

The nomination of

Hildebrant, Rick A. of Clarendon - Member, Board of Medical Practice - February 5, 2019 to December 31, 2023.

Was confirmed by the Senate.

The nomination of

Harritt, Susan of Jericho - Member, Human Services Board - April 1, 2019 to February 28, 2023.

Was confirmed by the Senate.

The nomination of

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

Was confirmed by the Senate.

The nomination of

Abdelghani, Mona of White River Junction - Member, Children and Family Council for Prevention Programs - August 24, 2018 to February 29, 2020.

Was confirmed by the Senate.

The nomination of

Saarnijoki, Linda of Weston - Member, Board of Libraries - April 1, 2019 to February 29, 2020.

Was confirmed by the Senate.

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

Squirrell, Sarah of Waterbury Center - Commissioner, Department of Mental Health - January 28, 2019 to February 28, 2019.

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

Were collectively confirmed by the Senate.

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. Mrowicki and others,

By Senators Balint and White,

H.C.R. 154.

House concurrent resolution honoring former Representative David L. Deen of Westminster.

By Reps. Canfield and Helm,

By Senators Collamore, Hooker and McNeil,

H.C.R. 155.

House concurrent resolution honoring Fair Haven Grade School principal Wayne Cooke on his exemplary career in public education.

By Rep. Rosenquist,

By Senators Brock and Parent,

H.C.R. 156.

House concurrent resolution in memory of Georgia community leader Harold Edmund Wilcox.

By Reps. Beck and others,

By Senators Benning and Kitchel,

H.C.R. 157.

House concurrent resolution congratulating the Fairbanks Museum & Planetarium on its 125th anniversary of conducting continuous meteorological services.

By Reps. Beck and others,

H.C.R. 158.

House concurrent resolution congratulating the 2019 St. Johnsbury Academy Hilltoppers boys' Alpine ski team on winning its second consecutive State championship.

By Reps. Beck and others,

By Senators Kitchel and Benning,

H.C.R. 159.

House concurrent resolution congratulating the 2019 St. Johnsbury Academy Hilltoppers boys' and girls' Alpine skiing teams on winning the trophy for the highest combined score at the State championship meet.

By Reps. Beck and others,

By Senators Kitchel and Benning,

H.C.R. 160.

House concurrent resolution congratulating the 2019 St. Johnsbury Academy Division I girls' indoor track team on winning the school's fifth consecutive Division I championship.

By Reps. Beck and others,

By Senators Kitchel and Benning,

H.C.R. 161.

House concurrent resolution congratulating the 2019 St. Johnsbury Academy Hilltoppers Division I championship boys' basketball team.

By Reps. Beck and others,

By Senators Kitchel and Benning,

H.C.R. 162.

House concurrent resolution congratulating the 2018 St. Johnsbury Academy Hilltoppers Division III championship field hockey team.

By Reps. Beck and others,

By Senators Kitchel and Benning,

H.C.R. 163.

House concurrent resolution congratulating the St. Johnsbury Academy girls' basketball team on winning the school's second consecutive Division I championship.

By Reps. Austin and others,

By Senator Mazza,

H.C.R. 164.

House concurrent resolution congratulating the 2018–2019 Colchester High School debate program for its outstanding record and State championship victory.

Adjournment

On motion of Senator Ashe, the Senate adjourned, to reconvene on Monday, May 6, 2019, at two o'clock in the afternoon pursuant to J.R.S. 26.