

# Journal of the Senate

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WEDNESDAY, MAY 29, 2019

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.

## **Pledge of Allegiance**

The President then led the members of the Senate in the pledge of allegiance.

## **Joint Resolution Adopted in Concurrence**

### **J.R.H. 6.**

Joint resolution originating in the House of the following title was read and adopted in concurrence and is as follows:

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

That when the President of the Senate and the Speaker of the House of Representatives adjourn their respective houses on the twenty fourth day of May, 2019 they shall do so to reconvene on the seventh day of January, 2020, at ten o'clock in the forenoon.

## **Secretary Directed to Inform the House of Completion of Business**

On motion of Senator Mazza, the Secretary was directed to inform the House that the Senate has completed the business of the session and is ready to adjourn pursuant to the provisions of J.R.H. 6.

## **Committee Appointed to Inform Governor of Completion of Business**

On motion of Senator Mazza, the President appointed the following three Senators as members of a committee to wait upon His Excellency, Philip B. Scott, the Governor, and inform him that the Senate has completed the business of the session and is ready to adjourn pursuant to the provisions of J.R.H. 6:

Senator Balint  
Senator Benning  
Senator Pearson

### **Report of Committee**

The Committee appointed to wait upon His Excellency, the Governor, to inform him that the Senate had, on its part, completed the business of the session and was ready to adjourn pursuant to the provisions of J.R.H. 6, performed the duties assigned to it and escorted the Governor to the rostrum where he delivered his remarks in person.

### **Remarks of Governor**

The Governor, the Honorable Philip B. Scott, assumed the rostrum and briefly addressed the Senate.

### **Departure of Governor**

The Governor, having completed the delivery of his message, was escorted from the Chamber by the committee appointed by the Chair.

### **Final Adjournment**

On motion of Senator Mazza, at four o'clock and twenty-seven minutes in the evening (4:27 P.M.), the Senate adjourned to January 7, 2020, at ten o'clock in the forenoon, pursuant to the provisions of J.R.H. 6.

### **Messages Received After Final Adjournment**

After final adjournment, the following messages were received by the Secretary:

### **Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the thirtieth day of May, 2019 he approved and signed bills originating in the Senate of the following titles:

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

**S. 58.** An act relating to the State hemp program.

**S. 133.** An act relating to juvenile jurisdiction.

**Message from the House No. 90**

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

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on May 28, 2019, he approved and signed bills originating in the House of the following titles:

**H. 79.** An act relating to eligibility for farm-to-school grant assistance.

**H. 205.** An act relating to the regulation of neonicotinoid pesticides.

**H. 287.** An act relating to small probate estates.

**H. 330.** An act relating to repealing the statute of limitations for civil actions based on childhood sexual abuse.

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

The Governor has informed the House that on May 30, 2019, he approved and signed bills originating in the House of the following titles:

**H. 511.** An act relating to criminal statutes of limitations.

**H. 512.** An act relating to miscellaneous court and Judiciary related amendments.

**H. 518.** An act relating to fair and impartial policing.

**H. 543.** An act relating to capital construction and State bonding.

**H. 547.** An act relating to approval of an amendment to the charter of the City of Montpelier.

**Message from the House No. 91**

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

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on June 4, 2019, he approved and signed a bill originating in the House of the following title:

**H. 536.** An act relating to education finance.

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**Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the tenth day of June, 2019 he approved and signed bills originating in the Senate of the following titles:

**S. 7.** An act relating to social service integration with Vermont's health care system.

**S. 31.** An act relating to informed health care financial decision making and the consent policy for the Vermont Health Information Exchange.

**S. 41.** An act relating to regulating entities that administer tax-advantaged accounts for health-related expenses.

**S. 73.** An act relating to licensure of ambulatory surgical centers.

**S. 112.** An act relating to earned good time.

**S. 131.** An act relating to insurance and securities.

**S. 134.** An act relating to background investigations for State employees with access to federal tax information.

**Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the tenth day of June, 2019 he returned without signature and *vetoed* a bill originating in the Senate of the following title:

**S. 169.** An act relating to firearms procedures.

**Text of Communication from Governor**

The text of the communication to the Senate from His Excellency, the Governor, whereby he vetoed and returned unsigned **Senate Bill No. S. 169** to the Senate is as follows:

“June 10, 2019

The Honorable John Bloomer, Jr.  
Secretary of the Senate  
115 State Street  
Montpelier, VT 05633-5401

Dear Secretary Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning S.169, *An act relating firearms procedures* without my signature in the time permitted by the Constitution because of my objections described herein.

Last year, I called for and signed a package of historic gun safety reforms because I believe they make schools, communities, families and individuals safer, while upholding Vermonters’ constitutional rights.

Over the last year, among other gun safety measures, we have established:

- Mandatory background check requirements;
- Extreme risk protection orders, giving families tools to remove guns from those who may harm themselves or others;
- The ability of law enforcement to remove firearms from those accused of domestic violence; and
- Requirements increasing the age to buy a firearm from 18 to 21.

With these measures in place, we must now prioritize strategies that address the underlying causes of violence and suicide. I do not believe S.169 addresses these areas.

Moving forward, I ask the Legislature to work with me to strengthen our mental health system, reduce adverse childhood experiences, combat addiction, and provide every Vermonter with hope and economic opportunity.

Sincerely,

/s/Philip B. Scott  
Governor”

### **Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the fourteenth day of June, 2019 he approved and signed a bill originating in the Senate of the following title:

**S. 149.** An act relating to miscellaneous changes to laws related to vehicles and the Department of Motor Vehicles.

#### **Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the seventeenth day of June, 2019 he approved and signed bills originating in the Senate of the following titles:

**S. 30.** An act relating to the regulation of hydrofluorocarbons.

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

**S. 107.** An act relating to elections corrections.

**S. 111.** An act relating to the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry.

**S. 113.** An act relating to the management of single-use products.

#### **Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the seventeenth day of June, 2019 he returned without signature and *vetoed* a bill originating in the Senate of the following title:

**S. 37.** An act relating to medical monitoring.

#### **Text of Communication from Governor**

The text of the communication to the Senate from His Excellency, the Governor, whereby he vetoed and returned unsigned **Senate Bill No. S. 37** to the Senate is as follows:

“June 17, 2019

The Honorable John Bloomer, Jr.  
Secretary of the Senate  
115 State Street  
Montpelier, VT 05633-5401

Dear Secretary Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning S.37, *An act relating to medical monitoring*, without my signature because of my objections described herein:

Since I took office, we have taken many steps to ensure safe drinking water in our communities and hold responsible parties accountable for toxic pollution, including:

- Implementing Act 55 of 2017 to hold parties that contaminate groundwater responsible for connecting impacted Vermonters to municipal water;
- Passing S.49 of 2019, which I proudly signed in May, to take the next step in Vermont’s response to PFOA and the related chemical class known as PFAS;
- Securing an agreement with St. Gobain to extend waterlines to 470 homes or businesses in Bennington and North Bennington;
- Funding to finish waterline extensions to the remaining impacted homes on the east side of Bennington;
- Funding for lead testing and remediation in all Vermont schools and childcare centers;
- Establishing long-term funding sources for phosphorous remediation in state waterways; and
- Proposing and passing an enhanced service delivery model for water quality projects.

As a state, we have shown a significant commitment to ensuring Vermonters have clean and safe water and have existing legal avenues to pursue bad actors who jeopardize Vermonters’ health – and we will continue to do so.

While we made progress this year in the discussion about medical monitoring, S.37 as passed, lacks the clarity needed by Vermont employers who our state relies on to provide good jobs. Numerous Vermont employers have expressed concerns to me, and to Legislators, that the unknown legal and

financial risks, and increased liability, is problematic for continued investment in Vermont.

If Vermont manufacturers and others cannot secure insurance or cover claims, then our economy will weaken, jobs will be lost, tax revenue will decline and, ultimately, all Vermonters lose.

I continue to believe we do not have to choose between Vermonters health and the availability of jobs.

The good news is there is a path forward. The bipartisan amendment introduced by Representatives Beck, Houghton, Gannon, Bancroft and Fagan, during third reading of the bill on the House Floor on May 16, would provide affected Vermonters with a remedy based on a well-established legal test. If the Legislature makes these changes, I can support this proposal.

Based on the objections outlined above, I must return this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution. I am very confident that we are close to a solution that will benefit Vermonters without causing Vermonters to lose their jobs and harming our economy, should the Legislature choose to revisit this bill in January.

Sincerely,

/s/Philip B. Scott  
Governor

PBS/kp”

### **Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the nineteenth day of June, 2019 he approved and signed bills originating in the Senate of the following titles:

**S. 55.** An act relating to the regulation of toxic substances and hazardous materials.

**S. 96.** An act relating to the provision of water quality services.

**S. 105.** An act relating to miscellaneous judiciary procedures.

**S. 162.** An act relating to promoting economic development.

**Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the nineteenth day of June, 2019 he did not approve and *allowed to become law without his signature* a bill originating in the Senate of the following title:

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

**Text of Communication from Governor**

The text of the communication to the Senate from His Excellency, the Governor, setting for his reasons for refusing to sign and *allowing to become law without his signature*, **Senate Bill No. S. 18**, is as follows:

“June 19, 2019

Vermont General Assembly  
115 State Street  
Montpelier, VT 05633

Dear Legislators:

Today, I am letting S.18, *an act relating to consumer justice enforcement* go into law without my signature.

I appreciate the Legislature’s work to address the concerns I expressed regarding impacts on charitable organizations, community groups, Vermont’s outdoor recreation sector, and the tech industry. With these changes, I can now support the consumer protection goals of the bill.

However, I cannot sign it because, in my view, it is technically flawed. Language which presumes the waiver of an individual’s right to a jury trial or to bring a class action to be unconscionable would likely be preempted by the Federal Arbitration Act. I am concerned this may be misleading and confusing to consumers who think they have protections that are unenforceable due to federal law. For this reason, I am letting S.18 become law without my signature and hope the Legislature will correct this issue in the future.

Sincerely,

/s/Philip B. Scott  
Governor

- c: The Honorable Mitzi Johnson, Speaker of the House  
The Honorable Tim Ashe, President Pro Tempore  
The Honorable William MaGill, Clerk of the Vermont House of Representatives  
The Honorable John Bloomer, Secretary of the Vermont Senate”

### **Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the twentieth day of June, 2019 he approved and signed bills originating in the Senate of the following titles:

- S. 95.** An act relating to municipal utility capital investment.
- S. 146.** An act relating to substance misuse prevention.
- S. 160.** An act relating to agricultural development.

### **Message from the House No. 92**

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

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on June 10, 2019, he approved and signed bills originating in the House of the following titles:

- H. 57.** An act relating to preserving the right to abortion.
- H. 132.** An act relating to adopting protections against housing discrimination for victims of domestic and sexual violence.
- H. 135.** An act relating to the authority of the Agency of Digital Services.
- H. 292.** An act relating to miscellaneous natural resources and energy subjects.
- H. 508.** An act relating to approval of amendments to the charter of the Town of Bennington.
- H. 514.** An act relating to miscellaneous tax provisions.

The Governor has informed the House that on June 14, 2019, he approved and signed a bill originating in the House of the following title:

**H. 529.** An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

The Governor has informed the House that on June 17, 2019, he approved and signed bills originating in the House of the following titles:

**H. 16.** An act relating to boards and commissions.

**H. 63.** An act relating to weatherization, a Public Utility Commission proceeding, and unclaimed beverage container deposits.

**H. 524.** An act relating to health insurance and the individual mandate.

**H. 525.** An act relating to miscellaneous agricultural subjects.

The Governor has informed the House that on June 18, 2019, he approved and signed bills originating in the House of the following titles:

**H. 527.** An act relating to Executive Branch and Judicial Branch fees.

**H. 541.** An act relating to changes that affect the revenue of the State.

**H. 542.** An act relating to making appropriations for the support of government.

The Governor has informed the House that on June 19, 2019, he approved and signed a bill originating in the House of the following title:

**H. 13.** An act relating to miscellaneous amendments to alcoholic beverage and tobacco laws.

The Governor has informed the House that on June 20, 2019, he approved and signed bills originating in the House of the following titles:

**H. 513.** An act relating to broadband deployment throughout Vermont.

**H. 533.** An act relating to workforce development.