

JOURNAL OF THE SENATE
OF THE
STATE OF VERMONT

BIENNIAL SESSION, 2015

VOLUME 1



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JOHN H. BLOOMER, JR.
SECRETARY OF THE SENATE

VANESSA J. DAVISON
JOURNAL CLERK

Table of Contents

	Page
Journal of the Senate (volume 1).....	1
Journal of the Senate (volume 2).....	1119
Journal of the Joint Assemblies (volume 2)	1915
Appendix A – List of Senators, Officers and Staff of the Senate, and Committees of of the Senate (volume 2)	1963
Appendix B – Table of Bills (volume 2).....	1971
General Index (volume 2).....	2051

Journal of the Senate

of the STATE OF VERMONT BIENNIAL SESSION, 2015

WEDNESDAY, JANUARY 7, 2015

Pursuant to the provisions of the Constitution and the laws of the State of Vermont, the Senate convened at the State House at Montpelier, on the first Wednesday, after the first Monday, the seventh day of January in the year of two thousand fifteen.

At ten o'clock in the forenoon, eastern standard time, the Senate was called to order by the President, Lieutenant Governor Philip B. Scott.

Devotional Exercises

Devotional exercises were conducted by the Reverend Amelia Pitton of Montpelier.

Pledge of Allegiance

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

Roll Call

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Claire D. Ayer Senator Christopher A. Bray
Bennington District	Senator Brian A. Champion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Virginia V. Lyons Senator Diane B. Snelling Senator Michael D. Sirotkin Senator David E. Zuckerman

Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Dustin Allard Degree Senator Norman H. McAllister, Sr.
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Margaret K. Flory Senator Kevin J. Mullin
Washington District	Senator Ann E. Cummings Senator William T. Doyle Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator John F. Campbell Senator Richard J. McCormack Senator Alice W. Nitka

Oath Administered

The Senators-elect were duly sworn by the Secretary and severally subscribed the oath of office.

Election of Officers

The President announced that the next order of business was the election of officers, and that nominations for Secretary were in order:

Senator Mullin of Rutland District nominated

JOHN H. BLOOMER, JR.

of the Town of Wallingford.

Senator Ashe of Chittenden District seconded the nomination.

There being no further nominations, on motion of Senator White, the nominations were closed and the Assistant Secretary was instructed to cast one ballot for

JOHN H. BLOOMER JR.

of the Town of Wallingford, as Secretary of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

Election of President *Pro Tempore*

The President then announced that the next order of business was the election of a President *pro tempore*.

Senator Sears of Bennington District nominated

JOHN F. CAMPBELL

of Windsor District.

Senator Ayer of Addison District seconded the nomination.

There being no further nominations, on motion of Senator Mazza, the nominations were closed and the Secretary was instructed to cast one ballot for

JOHN F. CAMPBELL

of Windsor District as President *pro tempore* of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

Election of Third Member of Committee on Committees

The Senate then proceeded to the election of a Senator to serve with the President and President *pro tempore* as a member of the Committee on Committees, which appoints the standing committees of the Senate.

Senator Kitchel of Caledonia District nominated

RICHARD T. MAZZA

of Grand Isle District.

Senator Flory of Rutland District seconded the nomination.

There being no further nominations, on motion of Senator Campbell, the nominations were closed and the Secretary was instructed to cast one ballot for

RICHARD T. MAZZA

of Grand Isle District to serve with the President and President *pro tempore* as a member of the Committee on Committees.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

Appointments

The President announced the appointment by the Secretary of

STEVEN D. MARSHALL

of Swanton, as Assistant Secretary of the Senate, and he presented himself at the bar of the Senate and received the oath of office from the Secretary.

The President announced the appointment by the Secretary of

VANESSA J. DAVISON

of Hardwick, as Journal Clerk, and

HELEN E. ESTROFF

of Montpelier, as Calendar Clerk, and

ROXANNA T. QUERO

of Montpelier, as Office Assistant.

Senate Resolutions Adopted

Senate resolutions of the following titles were severally offered, read and adopted, and are as follows:

By Senator Mazza,

S.R. 1. Senate resolution relating to the rules of the Senate.

Resolved by the Senate:

That the Senate be governed by the Permanent Rules of the Senate for the 2013 biennial session, as adopted in 1989, with amendments adopted in 1997, 2003, 2004, 2007, 2008 and 2013 until others are adopted.

By Senator Doyle,

S.R. 2. Senate resolution relating to appointment of a committee to inform the Governor of the organization of the Senate.

Resolved by the Senate:

That a committee of four Senators be appointed by the President to wait upon His Excellency, the Governor, and to inform him that the Senate has organized and is ready on its part to proceed with the business of the session.

By Senator Baruth,

S.R. 3. Senate resolution relating to informing the House of the organization of the Senate.

Resolved by the Senate:

That the Secretary be directed to inform the House of Representatives that a quorum of the Senate has assembled and organized by the election of **John H. Bloomer, Jr.**, of Wallingford, as Secretary, and **John F. Campbell**, a Senator from Windsor District, as President *pro tempore*, and is ready on its part to proceed with the business of the session.

Joint Senate Resolutions Adopted on the Part of the Senate

Joint Senate resolutions of the following titles were severally offered, read and adopted on the part of the Senate, and are as follows:

By Senator Campbell,

J.R.S. 1. Joint resolution relating to joint rules.

Resolved by the Senate and House of Representatives:

That the joint rules of the Senate and the House as adopted in 2013 be adopted as the joint rules of this biennial session until others are adopted.

By Senator White,

J.R.S. 2. Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 8, 2015, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the freemen and freewomen of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the freemen and freewomen.

By Senator Campbell,

J.R.S. 3. Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 8, 2015, at one o'clock and thirty minutes in the afternoon to receive the inaugural message of the Governor.

By Senators Baruth and Benning,

J.R.S. 4. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 27, 2015, or Saturday, February 28, 2015, it be to meet again no later than Tuesday, March 10, 2015.

By Senator Campbell,

J.R.S. 5. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 15, 2015, at two o'clock in the afternoon to receive the budget message of the Governor.

Committee Appointed

Pursuant to the provisions of S.R. 2, the President appointed a Committee to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session:

Senator Baruth
 Senator Ayer
 Senator Benning
 Senator Snelling

Report of Committee

Senator Baruth, of Chittenden District, for the Committee appointed to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session, appeared at the bar of the Senate and reported that it had performed the duties assigned to it.

Canvassing Committee Elected

The President nominated as a committee on the part of the Senate to canvass votes for state officers,

Senator Bray, of Addison District
 Senator Campion, of Bennington District
 Senator Benning, of Caledonia District
 Senator Sirotkin, of Chittenden District
 Senator Rodgers, of Essex-Orleans District
 Senator Degree, of Franklin District
 Senator Mazza, of Grand Isle District

Senator Westman, of Lamoille District
Senator MacDonald, of Orange District
Senator Collamore, of Rutland District
Senator Pollina, of Washington District
Senator White, of Windham District
Senator Nitka, of Windsor District

Thereupon, Senator Campbell moved that the nominees be elected by the Senate, which was agreed to.

Thereupon, the President declared the nominees elected, and the Committee so elected received the oath of office from the Secretary.

The President designated Senator White, of Windham District, as Chair of the Joint Canvassing Committee to canvass votes for state officers.

Message from the House No. 1

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

Mr. President:

I am directed to inform the Senate that:

A quorum of the House has assembled and organized by the election of

Shapleigh Smith Jr.

the Representative from Morristown, as Speaker, and

Donald G. Milne

of Washington, as Clerk, who in turn has appointed William M. MaGill of Waitsfield as First Assistant Clerk and Melissa Kucserik of Waterbury as Second Assistant Clerk, and is ready on its part to proceed with the business of the session.

Adjournment

On motion of Senator Campbell, the Senate adjourned until nine o'clock and thirty minutes in the morning.

THURSDAY, JANUARY 8, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kim Kie of Barre.

Message from the House No. 2

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

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolutions originating in the Senate of the following titles:

J.R.S. 1. Joint resolution relating to joint rules.

J.R.S. 2. Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

J.R.S. 3. Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

And has adopted the same in concurrence.

The House has appointed as members of the Joint Canvassing Committee on the part of the House to canvass votes for state officers:

Canvassing Committee Elected

Addison District	Eastman of Orwell Sheldon of Middlebury Smith of New Haven
Bennington District	Berry of Manchester Miller of Shaftsbury Morrisey of Bennington
Caledonia District	Feltus of Lyndon Troiano of Stannard Toll of Danville
Chittenden District	Evans of Essex Gonzales of Winooski Dakin of Colchester
Essex-Orleans District	Lefebvre of Newark Shaw of Derby Young of Glover
Franklin District	Connor of Fairfield Murphy of Fairfax Pearce of Richford

Grand Isle District	Condon of Colchester Krebs of South Hero Purvis of Colchester
Lamoille District	Martin of Wolcott Scheuermann of Stowe Woodward of Johnson
Orange District	Conquest of Newbury Davis of Washington Ryerson of Randolph
Rutland District	Chestnut-Tangerman of Middletown Springs Cupoli of Rutland City Potter of Clarendon
Washington District	Patt of Worcester Stevens of Waterbury Donahue of Northfield
Windham District	Hebert of Vernon Mrowicki of Putney Toleno of Brattleboro
Windsor District	Bartholomew of Hartland Haas of Rochester Zagar of Barnard

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning:

J.R.S. 6. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 9, 2015, it be to meet again no later than Tuesday, January 13, 2015.

Recess

On motion of Senator Campbell the Senate recessed until the fall of the gavel.

Called to Order

The Senate was called to order by the President.

Joint Assembly

At ten o'clock in the morning, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 2. Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

The Senate repaired to the hall of the House.

Having returned therefrom, at ten o'clock and forty-three minutes in the morning, the President *pro tempore* assumed the Chair.

Recess

On motion of Senator Baruth the Senate recessed until eleven o'clock and thirty minutes.

Called to Order

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

Incoming President Takes Oath of Office

Senator Baruth moved that the President *pro tempore* appoint a Committee of two Senators to wait upon His Excellency, Philip B. Scott, Lieutenant Governor-elect, and escort him to the bar of the Senate.

Which was agreed to.

Thereupon, the President *pro tempore* appointed as members of such Committee:

Senator Baruth
Senator Benning

The Committee appointed to wait upon His Excellency, Philip B. Scott, Lieutenant Governor-elect, performed the duties assigned to it and appeared at the bar of the Senate accompanied by His Excellency, Philip B. Scott, who took and subscribed the oath of office required by the Constitution from Senator Richard T. Mazza, long-time friend and colleague of the Lieutenant Governor.

Remarks of Incoming Lieutenant Governor Philip B. Scott Journalized

Thereupon, the incoming President addressed the Senate, assuring his full cooperation and accommodation on a nonpartisan and objective basis, and, on motion of Senator Campbell, his remarks were ordered entered in the Journal, and are as follows:

“Good morning. I’m sure you’ve all had a pretty easy, relaxing day so far...

“First, I’d like to extend my heartfelt thanks to the people of Vermont for their confidence in me and electing me to a third term as Vermont’s Lieutenant Governor...and an eighth term serving in Montpelier.

“Fourteen years ago I was a new face in this building and this chamber. I sat right there (point to seat 28)...and I assure you, I had no idea when I first sat down in that seat that I would be standing before you today in this role.

“I’d now like to take a moment to officially welcome our four “freshman” Senators: Balint, Campion, Collamore, and Degree. Some of you aren’t exactly “new” faces to us, but we welcome you in your new capacity. A few words on your new home: if you get lost, remember, you’re now going to the GREEN room, not the red one...this is the room where we start on time and electronic devices are not welcome here...and by the way....I’ve been known to smash cell phones with this gavel..... True story.

“I also want to thank my family and extended family for their unwavering support. My extended family would be my many, many friends who are too numerous to mention...but you know who you are and I am eternally grateful for each and every one of you...and what you have done for me.

“And thank you to my family here today: my Brother Kevin, my sister in law Donna, my niece, cousins, one of my daughters (Erica), my wife Diana (thank you for putting up with a somewhat unique...or what some would call crazy...life) and last but not least my Mom...who probably came the greatest distance – all the way from Florida -- and who has influenced my life more than I have probably ever realized...because growing up in Barre she kept the lives of my brothers and me pretty normal even though it was probably anything but...

“My Mom grew up on the Cate Farm in Plainfield, so that sense of Yankee Independence is ingrained in her soul.

“In fact, when she flew in on Monday, I started to feel pretty guilty at around 7 o’clock...I thought ...a good son would be at the airport to pick his mother up. So I sent her a text – yes, Senator Mazza, my mom texts...saying it’s already in the single digits...it’s dark...I don’t want you wandering around looking for your car alone...etc – She called me back and said she’d already gotten a rental car, arranged someone to take her to the car, and was waiting for her luggage.I then suggested she might want to slow down a little coming through Bolton Flats being that she hasn’t driven in these conditions in a while....and she seemed a bit insulted.

“You’ve got to remember my mom just got rid of her 8-cylinder Chevy Impala SS and downsized to a 4-cylinder turbo.

“She’s a smart lady. Valedictorian of her class at Plainfield High...but we don’t need to go into the details of how many students actually graduated nor what year that was.....

“Some of you have heard the story about our mom and dad...but I don’t tire of telling it...and I have the podium.

“My father was from Washington, Vermont. He fought in World War II and was seriously injured in the D-Day Invasion in France. He spent two years at Walter Reed Medical Center before returning home to Vermont. But when he returned, he came back as a double-amputee. That didn’t stop him from making the most of his life – working right next door for the State Highway Department and building a camp in Elmore. The only thing he really had trouble with was getting his groceries from the Elmore General Store, because these were the days before the Americans with Disabilities Act, and there were only steps. So he would call in his grocery order, and a young woman who was attending Johnson State College and living in Elmore with her sister would bring them down the steps to him. That turned out to be my mom.

“When my parents saw an obstacle, it wasn’t a road block...it was an opportunity to be creative.

“At 33 she became a widow and a single Mom with three boys...three fairly active boys... and I realize today how very fortunate we were to have a mom who was as dedicated as she was to keeping our life as normal as possible.

“So thank you, Mom, for not only being the person you are but for giving me the guidance when needed – and also the flexibility that allowed me to become the person I am today.

“As I was writing these remarks, I went back to what I said when I first took my oath in 2011...and again in 2013...and I realized something: I could stand up here today and deliver the same remarks I gave then and – with the exception of a few names – they’d be just as relevant. And today I will be repeating what I said then...and that means one of two things:

“One – Nobody is listening to me or Two – we haven’t yet solved the problems I laid out.

“If this past election taught us anything, it appears the majority of Vermonters feel disconnected from us. Fewer than 43 percent of registered voters actually cast a ballot. For far too many, it is no longer BECOMING unaffordable to live in Vermont – it IS unaffordable....many grew up here.....

they want to stay here – but they just don't know how -- and they are looking to us for relief.

“I am hopeful we can help.....I wouldn't be here if I didn't..... It's a new session and we have a clean slate..... The first step is to be sure we put Vermonters first and our own personal and political agendas second. The elections are over. We must now transition from being politicians to becoming public servants. Vermonters' expectations are high – they want us to work together. It doesn't mean we can't disagree or debate the issues. We're not here to rubber stamp initiatives...we are here because Vermonters put their trust in each and every one of us...and we are here to give them hope.

“We can no longer kick this can down the road...and we have to face some harsh realities. However, since the election, it seems we are reaching some areas of agreement on what those realities are:

“Many Vermonters are working two to three jobs, struggling to pay their property taxes, put heating fuel in the tanks, and food on the table. The affordability issue we face in Vermont isn't just about the ever-rising burden of taxation on working Vermonters – it's about real Vermonters who are making less and less every year.

“In the long run I believe the only responsible way to ensure we all get what we want is to grow the economy. This will undoubtedly require new approaches – and new public policy – across virtually every area of state government.

“The underlying challenge of every policy question we face in Vermont – from social services to education to the environment – is having an economy and workforce strong enough to support the necessary investments in these areas.

“Our economic policies – for individuals and for businesses and their employees – are not firing on all cylinders. We are competing in a world that operates and updates 24 hours a day, 7 days a week. We MUST be innovative and keep up with the times; I think it's fair to say in many instances that we're using 20th century economic policies to try to attract 21st century jobs.

“We need to be better partners with Vermont businessesthey need some certainty for planning purposes....like what taxes and fees they're facing – and know we in Montpelier want to help them grow and prosper so that we can prosper as well.

“Vermonters deserve affordable health care – quality health care – and a fully functional health care exchange.

“Sowhere do we go from here?

“What I’m asking is this: At the beginning of the day, before we start our work, remind ourselves that we are members of a team of 625,000 people. You are a team of 30 in whom Vermonters have bestowed their trust.

“We have to acknowledge that egos will always exist in this buildingI know it’s hard to believe.....and there will always be “politics” in the equation...but while I know we cannot change all of the behavior...because emotions come into play..... I also believe we can do better.

“We can learn to listen to each other...at least a little bit better. We can learn to find areas of agreement....at least a little more often. I don’t have a seat in this Chamber – but I have a lot of chairs in my office – and if you reach a stalemate, or need a place to hash things out, or want to vet ideas – come in.

“So in order for all of us to pull in the same direction, I urge each and every one of you to simply view every bill through the lens of: “Will this help our economy? Will this improve efficiencies and reduce costs?” If the answer to those questions is “yes,” then put it on the front burner. If the answer is “no,” then maybe it goes on the back burner...or maybe even in the fridge.

“So as we enter the Biennium, I ask you to:

“Listen to Vermonters. And not just listen, but really hear what they’re saying.

“As I’ve learned in my 56 years of life....40 years of racing....30 years in business and 14 years in political life....: Nobody wins alone...it takes a team...and success is so much sweeter when we celebrate TOGETHER.

“Do well by your family. Do well by your friends. Do well by your neighbors.

“My door is always open and you are always welcome. I, along with my entire staff...which means my Chief of Staff Rachel and our 2 unpaid interns, Hayden and Tony, look forward to working with you to make this a productive and positive session...together.

“Thank you.”

Appointment

The President announced the appointment of

RACHEL FELDMAN

of Montpelier, as Chief of Staff to the incoming President.

Recess

On motion of Senator Campbell the Senate recessed until one o'clock and twenty-five minutes in the afternoon.

Called to Order

The Senate was called to order by the President.

Message from the House No. 3

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

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolutions originating in the Senate of the following titles:

J.R.S. 4. Joint resolution relating to Town Meeting adjournment.

J.R.S. 5. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

And has adopted the same in concurrence.

Recess

The Chair declared a recess until the fall of the gavel.

Called to Order

The Senate was called to order by the President.

Joint Assembly

At one o'clock and thirty minutes in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 3. Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at three o'clock and twenty minutes in the afternoon, the President assumed the Chair.

Adjournment

On motion of Senator Campbell, the Senate adjourned until nine o'clock and thirty minutes in the morning.

FRIDAY, JANUARY 9, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock and thirty minutes in the afternoon.

Called to Order

The Senate was called to order by the President.

Message from the House No. 4

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second 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. 6. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Recess

On motion of Senator Campbell the Senate recessed until three o'clock and thirty minutes in the afternoon.

Called to Order

The Senate was called to order by the President.

Standing Committees Appointed

The President, on behalf of the Committee on Committees, reported the appointment of the standing committees, as follows:

Agriculture

A.M.	Senator Starr, Chair	Room 26
	Zuckerman, Vice-Chair	
	Campbell	
	McAllister	
	Sirotkin, Clerk	

Appropriations

P.M. Senator Kitchel, Chair Room 5
Nitka, Vice-Chair
McCormack
Sears
Snelling
Starr
Campbell

Economic Development, Housing and General Affairs

A.M. Senator Mullin, Chair Room 27
Baruth, Vice-Chair
Doyle
Cummings
Balint

Education

P.M. Senator Cummings, Chair Room 28
Doyle, Vice-Chair
Baruth
Zuckerman
Campion
Degree

Finance

P.M. Senator Ashe, Chair Room 6
MacDonald, Vice-Chair
Lyons
Mullin
Ayer
Westman
Sirotkin

Government Operations

P.M. Senator White, Chair Room 4
Pollina, Vice-Chair
Bray
Benning
Collamore

Health and Welfare

A.M. Senator Ayer, Chair Room 17
Lyons, Vice-Chair
Pollina
McCormack
Collamore

Institutions

P.M. Senator Flory, Chair Room 7
Rodgers, Vice-Chair
Mazza
McAllister
Balint

Judiciary

A.M. Senator Sears, Chair Room 1
Benning, Vice-Chair
Ashe
White
Nitka

Natural Resources and Energy

A.M. Senator Bray, Chair Room 8
Snelling, Vice-Chair
MacDonald
Rodgers
Campion

Transportation

A.M. Senator Mazza, Chair Room 3
Westman, Vice-Chair
Flory
Kitchel
Degree

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 13, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 6.

TUESDAY, JANUARY 13, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Brad Keller of Bethel.

Pledge of Allegiance

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

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning,

J.R.S. 7. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 16, 2015, it be to meet again no later than Tuesday, January 20, 2015.

Bills Introduced

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

S. 1.

By Senator White,

An act relating to “welcome to” signs for census-designated places within towns.

To the Committee on Transportation.

S. 2.

By Senator Benning,

An act relating to the establishment of a State Latin Motto.

To the Committee on Government Operations.

S. 3.

By Senator Sears,

An act relating to licensing consumer litigation funding companies.

To the Committee on Finance.

S. 4.

By Senators Benning and Bray,

An act relating to notification prior to sale of firearms relinquished pursuant to relief from abuse orders.

To the Committee on Judiciary.

S. 5.

By Senators Ayer, Ashe and Pollina,

An act relating to notification of individuals placed in hospital observation status.

To the Committee on Health & Welfare.

S. 6.

By Senator Sears,

An act relating to technical corrections to civil and criminal procedure statutes.

To the Committee on Judiciary.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 1 was introduced, read the first time and referred:

By Senator Benning,

PROPOSAL 1**Sec. 1. PURPOSE**

This proposal would amend the Constitution of the State of Vermont to specifically provide that each person has a right to privacy, including the right to keep personal information private; to communicate with others privately; and to make decisions concerning his or her body.

Sec. 2. Article 22 of Chapter I of the Vermont Constitution is added to read:

Article 22. [RIGHT TO PRIVACY]

That each person has a right to privacy, including the right to keep personal information private; to communicate with others privately; and to make decisions concerning his or her body.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2018 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

To the Committee on Judiciary.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 2 yet was introduced, read the first time and referred:

By Senator Benning,

PROPOSAL 2

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide that if a candidate for the office of Governor, Lieutenant-Governor, or Treasurer does not receive the required majority vote in the general election, then instead of the General Assembly electing that officer, a runoff election between the two candidates receiving the greatest number of votes cast shall be held on the first Tuesday in December to determine the winner.

Sec. 2. Section 47 of Chapter II of the Vermont Constitution is amended to read:

§ 47. [ELECTION OF GOVERNOR, LIEUTENANT-GOVERNOR AND TREASURER]

The voters of each town shall, on the day of election for choosing Representatives to attend the General Assembly, bring in their votes for Governor, with the name fairly written, to the Constable, who shall seal them up, and write on them, Votes for Governor, and deliver them to the Representatives chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a committee appointed out of the Senate and House of Representatives, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for

Governor, and declare the person who has the major part of the votes, to be Governor for the two years ensuing. The Lieutenant-Governor and the Treasurer shall be chosen in the manner above directed.

The votes for Governor, Lieutenant-Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and House of Representatives.

If, at any time, there shall be no election, of Governor, Lieutenant-Governor, or Treasurer, of the State, ~~the Senate and House of Representatives shall by a joint ballot, elect to fill the office, not filled as aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned~~ a runoff election shall be held on the first Tuesday of December between the two candidates receiving the greatest number of votes. The runoff election shall be held as prescribed by the General Assembly.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2018 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

To the Committee on Government Operations.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, January 14, 2015.

WEDNESDAY, JANUARY 14, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the Governor Appointments Referred

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

Hathaway, Peter of Waterbury - Member of the Children and Family Council for Prevention Programs, - from May 9, 2014, to February 28, 2015.

To the Committee on Health and Welfare.

Bartlett, Patrick of Woodstock - Member of the Current Use Advisory Board, - from May 20, 2014, to January 31, 2017.

To the Committee on Natural Resources and Energy.

McClain, John of Bethel - Member of the Current Use Advisory Board, - from May 20, 2014, to January 31, 2017.

To the Committee on Natural Resources and Energy.

Moulton, Patricia of Warren - Secretary of the Agency of Commerce and Community Development, - from June 1, 2014, to February 28, 2015.

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

McAllister, Dylan of Greensboro – Student Member of the State Board of Education, - from July 1, 2014, to June 30, 2016.

To the Committee on Education.

Fyler, Jennifer, MD of Wendell, MA - Member of the State Board of Health, - from June 9, 2014, to February 28, 2017.

To the Committee on Health and Welfare.

Kiehle, James of Brattleboro - Member of the State Labor Relations Board, - from July 1, 2014, to June 30, 2020.

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

Lary, Deborah of Randolph - Member of the Vermont Tobacco Evaluation and Review Board, - from July 1, 2014, to June 30, 2017.

To the Committee on Health and Welfare.

Laughlin, Joshua of Putney - Member of the Vermont Housing and Conservation Board, - from May 9, 2014, to January 31, 2017.

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

Marsh, Donald of Montpelier - Member of the Vermont Natural Gas and Oil Resources Board, - from June 9, 2014, to February 28, 2017.

To the Committee on Natural Resources and Energy.

Park, Richard of Williston - Member of the State Labor Relations Board, - from June 9, 2014, to June 30, 2019.

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

Whittaker, Brendan Joseph of Brunswick - Member of the Current Use Advisory Board, - from June 9, 2014, to January 31, 2016.

To the Committee on Natural Resources and Energy.

Connolly, Scott of Burlington - Member of the Vermont Tobacco Evaluation and Review Board, - from July 1, 2014, to June 30, 2017.

To the Committee on Health and Welfare.

Dimitruck, Catherine of Fairfax - Member of the Vermont Natural Gas and Oil Resources Board, - from July 1, 2014, to February 29, 2016.

To the Committee on Natural Resources and Energy.

Greenmore, Robert of Barre - Member of the State Labor Relations Board, - from July 1, 2014, to June 30, 2016.

To the Committee on Economic Development Housing and General Affairs.

Alcorn, Daniel P. of Rutland - Member of the Community High School of Vermont Board, - from August 6, 2014, to February 29, 2016.

To the Committee on Education.

Snow, John Richard of Charlotte - Member of the Vermont Economic Development Authority, - from August 6, 2014, to June 20, 2020.

To the Committee on Finance.

Chen, Harry, MD of Burlington – Secretary of the Agency of Human Services, - from August 12, 2014, to February 28, 2015.

To the Committee on Health and Welfare.

Dolan, Tracy of Jericho – Commissioner of the Department of Health, - from August 12, 2014, to February 28, 2015.

To the Committee on Health and Welfare.

Spellman, Maribeth of Richmond - Commissioner of the Vermont Department of Human Resources, - from September 2, 2014, to February 28, 2015.

To the Committee on Government Operations.

Bourgeois, Steven J. of Swanton - Member of the Vermont Economic Development Authority, - from September 3, 2014, to June 30, 2020.

To the Committee on Finance.

Richards, Tammy A. of Newfane - Member of the Vermont Economic Development Authority, - from September 3, 2014, to June 30, 2018.

To the Committee on Finance.

Wilschek, Joslyn L. of Montpelier - Member of the Human Services Board, - from September 3, 2014, to February 28, 2017.

To the Committee on Health and Welfare.

Schatz, Kenneth of South Burlington - Commissioner of the Department of Children and Families, - from September 7, 2014, to February 28, 2015.

To the Committee on Health and Welfare.

Barnett, Lamont of Bellows Falls - Member of the Vermont Housing Finance Agency, - from September 24, 2014, to January 31, 2018.

To the Committee on Finance.

Viens, Randy of Georgia - Member of the Current Use Advisory Board, - from October 7, 2014, to January 31, 2016.

To the Committee on Natural Resources and Energy.

Davis, John of South Burlington - Member of the Vermont Economic Progress Council, - from October 7, 2014, to March 31, 2015.

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

Holmes, Jessica of Cornwall - Member of the Green Mountain Care Board, - from October 8, 2014, to September 30, 2020.

To the Committee on Health and Welfare.

Hoser, William of Chester - Member of the Vermont Board of Medical Practice, - from January 1, 2015, to December 31, 2019.

To the Committee on Health and Welfare.

Cohen, Hal of North Middlesex - Secretary of the Agency of Human Services, - from January 8, 2015, to February 28, 2015.

To the Committee on Health and Welfare.

Chen, Harry of Burlington - Commissioner of the Department of Health, - from January 8, 2015, to February 28, 2015.

To the Committee on Health and Welfare.

Ewins, Regine of Shelburne - Member of the Board of Libraries, - from December 23, 2014, to February 28, 2017.

To the Committee on Education.

Hindes, Churchill of Colchester - Member of the Vermont State Colleges Board of Trustees, - from March 1, 2015, to February 28, 2021.

To the Committee on Education.

Milne, Linda of Montpelier - Member of the Vermont State Colleges Board of Trustees, - from March 1, 2015, to February 28, 2021.

To the Committee on Education.

Minter, Sue of Waterbury - Secretary of the Agency of Transportation, - from January 1, 2015, to February 28, 2015.

To the Committee on Transportation.

O'Brien, Ben of Randolph - Member of the Occupational Safety and Health Review Board, - from March 1, 2015, to February 28, 2021.

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

O'Connor, Timothy, Jr. of Brattleboro - Member of the Connecticut River Valley Flood Control Commission, - from December 23, 2014, to February 28, 2019.

To the Committee on Natural Resources and Energy.

Pieciak, Michael of Winooski - Member of the Vermont State Colleges Board of Trustees, - from March 1, 2015, to February 28, 2021.

To the Committee on Education.

Moore, Gary of Bradford - Member of the Connecticut River Valley Flood Control Commission, - from March 1, 2015, to February 28, 2021.

To the Committee on Natural Resources and Energy.

Bills Introduced

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

S. 7.

By Senator Sears,

An act relating to bail determinations concerning a defendant charged with lewd and lascivious conduct with a child.

To the Committee on Judiciary.

S. 8.

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

An act relating to the Interstate Medical Licensure Compact.

To the Committee on Health & Welfare.

S. 9.

By Senators Ayer, Sears, Cummings, Flory, Kitchel and Mullin,

An act relating to improving Vermont's system for protecting children from abuse and neglect.

To the Committee on Judiciary.

S. 10.

By Senators Sears and Campbell,

An act relating to the State DNA database.

To the Committee on Judiciary.

S. 11.

By Senator Benning,

An act relating to the time to return a keg of malt beverages.

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

S. 12.

By Senators Sears, Benning, Kitchel, Sirotkin and Zuckerman,

An act relating to the charging of fees for removing booking photographs from the Internet.

To the Committee on Judiciary.

S. 13.

By Senators Sears and Flory,

An act relating to the Vermont Sex Offender Registry.

To the Committee on Judiciary.

S. 14.

By Senators Sears and White,

An act relating to single dose, child-resistant packaging and labeling of marijuana-infused edible or potable products sold by a registered dispensary.

To the Committee on Health & Welfare.

S. 15.

By Senators Baruth, Sirotkin, Lyons, McCormack, Pollina and Zuckerman,

An act relating to absence from work for health care and safety.

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

S. 16.

By Senator Ayer,

An act relating to siting charges for energy transmission facilities.

To the Committee on Finance.

S. 17.

By Senators Ashe and Mullin,

An act relating to a 10-year statute of repose for actions arising out of improvements to real property.

To the Committee on Judiciary.

S. 18.

By Senators Ashe and Benning,

An act relating to privacy protection.

To the Committee on Judiciary.

Message from the House No. 5

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second 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. 7. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Thursday, January 15, 2015.

THURSDAY, JANUARY 15, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

**Message from the Governor
Appointment Referred**

A message was received from the Governor, by Susan Allen, Secretary of Civil and Military Affairs, submitting the following appointment, which was referred to the committee as indicated:

Louis Porter of Adamant - Commissioner of the Department of Fish and Wildlife, - from May 18, 2014, to February 28, 2015.

To the Committee on Natural Resources & Energy.

Bills Introduced

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

S. 19.

By Senators Cummings and Doyle,

An act relating to fee schedules for dental services not covered under an insurance plan.

To the Committee on Finance.

S. 20.

By Senators Ayer, Sirotkin and White,

An act relating to establishing and regulating licensed dental practitioners.

To the Committee on Government Operations.

Recess

On motion of Senator Campbell the Senate recessed until the fall of the gavel.

Called to Order

The Senate was called to order by the President.

Joint Assembly

At two o'clock in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 5. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at three o'clock and twenty-five minutes in the afternoon, the President assumed the Chair.

Adjournment

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, JANUARY 16, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Committee Relieved of Further Consideration; Bill Committed**S. 20.**

On motion of Senator White, the Committee on Government Operations was relieved of further consideration of Senate bill entitled:

An act relating to establishing and regulating licensed dental practitioners, and the bill was committed to the Committee on Health & Welfare.

**Message from the Governor
Appointments Referred**

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

Bourgeois, Anita of Middlesex - Member of the Vermont Educational and Health Buildings Financing Agency, - from February 1, 2015, to January 31, 2021.

To the Committee on Finance.

Coates, David of Island Pond - Director of the Vermont Municipal Bond Bank, - from February 1, 2015, to January 31, 2017.

To the Committee on Finance.

Fuller-Ball, Dawn of Randolph - Member of the Vermont Tobacco Evaluation and Review Board, - from January 12, 2015, to June 30, 2017.

To the Committee on Health & Welfare.

Hofmann, Sarah of Montpelier - Member of the Public Service Board, - from March 1, 2015, to February 28, 2021.

To the Committee on Finance.

Bills Introduced

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

S. 21.

By Senators Benning, Collamore, Degree, Flory and McAllister,

An act relating to the purchase of health insurance across state lines.

To the Committee on Finance.

S. 22.

By Senator Sears,

An act relating to docking the tail of a bovine.

To the Committee on Agriculture.

Message from the House No. 6

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

Mr. President:

I am directed to inform the Senate that:

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

H.C.R. 1. House concurrent resolution recognizing January 8, 2015, as Homelessness Awareness Day at the State House.

H.C.R. 2. House concurrent resolution in memory of former Representative Timothy Corcoran of Bennington.

H.C.R. 3. House concurrent resolution congratulating the Otter Valley Union High School Otters' 2014 Division II championship softball team.

H.C.R. 4. House concurrent resolution congratulating Rico Babic on his 100th birthday.

H.C.R. 5. House concurrent resolution honoring former Grafton volunteer fire chiefs Ed McWilliam and Eric Stevens for their outstanding community service.

H.C.R. 6. House concurrent resolution congratulating Norwich University's Sullivan Museum and History Center on being designated as Vermont's first Smithsonian affiliate.

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

The House has considered concurrent resolutions originating in the Senate of the following titles:

S.C.R. 1. Senate concurrent resolution congratulating the 2014 Mad River Valley 10- and 11-year-old Little League All-Star Vermont championship baseball team.

S.C.R. 2. Senate concurrent resolution congratulating the Canadian Club Inc. of Barre on its 75th anniversary.

And has adopted the same in concurrence.

Senate 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 on the part of the Senate:

By Senator Doyle,

S.C.R. 1.

Senate concurrent resolution congratulating the 2014 Mad River Valley 10- and 11-year-old Little League All-Star Vermont championship baseball team.

By Senator Doyle,

S.C.R. 2.

Senate concurrent resolution congratulating the Canadian Club Inc. of Barre on its 75th anniversary.

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 Representatives Krowinski and Head,

H.C.R. 1.

House concurrent resolution recognizing January 8, 2015, as Homelessness Awareness Day at the State House.

By All Members of the House,

By All Members of the Senate,

H.C.R. 2.

House concurrent resolution in memory of former Representative Timothy Corcoran of Bennington.

By Representatives Shaw and Carr,

By Senators Collamore, Flory and Mullin,

H.C.R. 3.

House concurrent resolution congratulating the Otter Valley Union High School Otters' 2014 Division II championship softball team.

By Representative Turner and others,

H.C.R. 4.

House concurrent resolution congratulating Rico Babic on his 100th birthday.

By Representatives Partridge and Trieber,

By Senators Balint and White,

H.C.R. 5.

House concurrent resolution honoring former Grafton volunteer fire chiefs Ed McWilliam and Eric Stevens for their outstanding community service.

By Representative Grad and others,

H.C.R. 6.

House concurrent resolution congratulating Norwich University's Sullivan Museum and History Center on being designated as Vermont's first Smithsonian affiliate.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 20, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 7.

TUESDAY, JANUARY 20, 2015

The Senate was called to order by the President.

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 Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning

J.R.S. 8. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 23, 2015, it be to meet again no later than Tuesday, January 27, 2015.

Bills Introduced

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

S. 23.

By Senator Sirotkin,

An act relating to required disclosures for workers' compensation settlements.

To the Committee on Finance.

S. 24.

By Senators Sirotkin, Balint and Baruth,

An act relating to disclosure of compliance with accessibility standards in the sale of residential construction.

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

S. 25.

By Senator Rodgers,

An act relating to recognizing the beagle as the State Dog.

To the Committee on Natural Resources & Energy.

S. 26.

By Senator Mullin,

An act relating to physician expert witnesses in medical malpractice actions.

To the Committee on Judiciary.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, January 21, 2015.

WEDNESDAY, JANUARY 21, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Deadra Ashton of Tunbridge.

Message from the House No. 7

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 15. An act relating to approval of amendments to the charter of the Town of Colchester.

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

Joint Resolution Referred

J.R.S. 9.

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

By Senators Doyle, Balint, Baruth, Cummings, and Mullin,

J.R.S. 9. Joint resolution encouraging public high schools to explore recruiting and enrolling international students on F-1 student visas in order to promote tuition-based income.

Whereas, student enrollment in public K–12 education in the State declined over 20 percent between fiscal years 1997 and 2014, with population projections indicating a continued decline for the foreseeable future, and

Whereas, schools in the State have the lowest class sizes in the nation, and

Whereas, total State spending on education continues to escalate, increasing by three and five percent in fiscal years 2013 and 2014 respectively, so that the State has the highest per-pupil spending in the nation, and

Whereas, the rising cost of public education increasingly burdens taxpayers and places fiscal stresses on schools that may soon affect the quality of education provided, and

Whereas, federal law permits both private schools and public high schools to enroll international students on F-1 visas, which are visas issued to nonimmigrant foreigners for the purpose of academic study in the United States, but limits attendance in public high schools to 12 months and requires that F-1 students reimburse public high schools for the full unsubsidized per capita cost of their education, and

Whereas, international students are increasingly obtaining F-1 visas to enroll in U.S. private and public high schools, from approximately 6,500 total F-1 students in 2007 to approximately 65,000 in 2012, in order to improve English language skills and enhance opportunities to enroll in U.S. universities, and

Whereas, dozens of high schools in the State, including multiple public high schools, are already federally certified to enroll international students on F-1 visas, and

Whereas, although most international students on F-1 visas enroll in private schools, public high schools may be able to offer comparatively lower tuition rates, so that some of these students may prefer to attend public schools despite federal restrictions limiting their enrollment in public schools to 12 months, and

Whereas, the State has much to offer international students, including public schools ranked among the best in the nation, vibrant local communities, low crime rates, clean air and water, natural beauty, and extensive outdoor recreational opportunities, and

Whereas, tuition paid to public schools by international students on F-1 visas could reduce fiscal burdens on taxpayers and schools, and room and board paid by these students could financially benefit local families and communities, and

Whereas, public high school students could benefit from learning alongside culturally diverse international students; students attending participating public high schools in the State could receive a more global perspective that would better prepare them for postsecondary school and the workforce; and participating public high schools could attract additional students from other towns and states, and

Whereas, enrolling international students on F-1 visas in public high schools could help stabilize school enrollment numbers, thus increasing resources available to students or avoiding potential resource reductions, and

Whereas, it could be competitively advantageous to be among the earliest of public high schools to develop recruitment and enrollment programs for international students with F-1 visas, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly requests that administrators of public high schools in the State explore the possibility of recruiting and enrolling international students on F-1 visas, and that the Agency of Education encourage and support these administrators' efforts, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Rebecca Holcombe, Secretary of Education, and to the Vermont Superintendents Association for transmittal to each superintendent in the State whose school district or supervisory union includes a public high school.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Education.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 27.

By Senator Mullin,

An act relating to equal reimbursement for chiropractic physicians.

To the Committee on Health & Welfare.

Bill Referred

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

H. 15.

An act relating to approval of amendments to the charter of the Town of Colchester.

To the Committee on Government Operations.

Message from the House No. 8

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second 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. 8. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, January 22, 2015.

THURSDAY, JANUARY 22, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bills Introduced

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

S. 28.

By Senators Pollina and Zuckerman,

An act relating to divesting State retirement funds from the 200 publically traded companies that hold the largest carbon content fossil fuels reserves.

To the Committee on Government Operations.

S. 29.

By Senator Pollina,

An act relating to election day registration.

To the Committee on Government Operations.

S. 30.

By Senators Mullin and Ashe,

An act relating to establishing a prospective payment system for home health services.

To the Committee on Health & Welfare.

S. 31.

By Senators Campbell, Baruth and Ayer,

An act relating to possession and transfer of firearms.

To the Committee on Judiciary.

S. 32.

By Senator Pollina,

An act relating to the beverage container redemption system.

To the Committee on Natural Resources & Energy.

S. 33.

By Senator Ashe,

An act relating to transferring the administration of the Vermont Enhanced 911 system to the Department of Public Safety.

To the Committee on Finance.

S. 34.

By Senators Sirotkin and Baruth,

An act relating to prevailing wages.

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

S. 35.

By Senators Flory, Campbell and Mullin,

An act relating to access to Department for Children and Families' records of abuse and neglect.

To the Committee on Judiciary.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 3 yet was introduced, read the first time and referred:

By Senators Pollina and Mullin,

PROPOSAL 3

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide for election of the Governor, Lieutenant-Governor, and Treasurer by plurality vote, provided the candidate receives at least 45 percent of the votes cast. If no candidate receives at least 45 percent of the votes, then a runoff election between the two candidates receiving the greatest number of votes cast shall be held on the first Tuesday in December to determine the winner.

Sec. 2. Section 47 of Chapter II of the Vermont Constitution is amended to read:

§ 47. [ELECTION OF GOVERNOR, LIEUTENANT-GOVERNOR AND TREASURER]

The voters of each town shall, on the day of election for choosing Representatives to attend the General Assembly, bring in their votes for Governor, with the name fairly written, to the Constable, who shall seal them up, and write on them, Votes for Governor, and deliver them to the Representatives chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a committee appointed out of the Senate and House of Representatives, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for Governor, and declare the person who has the ~~major part~~ greatest number of the votes; to be Governor for the two years ensuing, provided the person receives at least 45 percent of votes cast. The Lieutenant-Governor and the Treasurer shall be chosen in the manner above directed.

The votes for Governor, Lieutenant-Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and House of Representatives.

If, at any time, there shall be no election, of Governor, Lieutenant-Governor, or Treasurer, of the State, ~~the Senate and House of Representatives shall by a joint ballot, elect to fill the office, not filled as aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned~~ a runoff election shall be held on the first Tuesday of December between the two candidates

receiving the greatest number of votes. The runoff election shall be held as prescribed by the General Assembly.

Sec. 3. EFFECTIVE DATE

The amendments set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2018 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

To the Committee on Government Operations.

Adjournment

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, JANUARY 23, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Yunki Kim of Montpelier.

Committee Relieved of Further Consideration; Bill Committed

S. 14.

On motion of Senator Ayer, the Committee on Health & Welfare was relieved of further consideration of Senate bill entitled:

An act relating to single dose, child-resistant packaging and labeling of marijuana-infused edible or potable products sold by a registered dispensary, and the bill was committed to the Committee on Government Operations.

Joint Resolution Referred

J.R.S. 10.

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

By Senators Pollina, Sirotkin, and Zuckerman,

J.R.S. 10. Joint resolution expressing deep concern over growing wealth and income inequality and the decline of family income in Vermont.

Whereas, the Constitution of the State of Vermont, including the common benefits clause, highlights the State's commitment to human rights and equal opportunity, and the Vermont Statutes direct that "The state budget should be designed to address the needs of the people of Vermont in a way that advances human dignity and equity," and

Whereas, high levels of income inequality undermine that commitment, and

Whereas, in a January 2013 *New York Times* op-ed, Nobel Prize winning economist Joseph Stiglitz observed that income and wealth inequality in America is now greater than any time since the 1920s, that it "is squelching our recovery," and "that our middle class is too weak to support consumer spending that has historically driven our economic growth," and

Whereas, in the same newspaper commentary, Stiglitz noted middle-class household income, when adjusted for inflation, is lower than in 1996, and consequently causing service cuts to low- and middle-income Americans, and

Whereas, in a January 2012 issue brief, the Vermont Public Assets Institute found that over the past 24 years the share of income going to Vermont's wealthiest one percent more than tripled, and

Whereas, in November 2014, the Congressional Budget Office reported that for American households in the top one percent for income distribution their inflation-adjusted after-tax income grew 200 percent between 1979 and 2011, and

Whereas, Vermont Department of Taxes' data show that between 2009 and 2012 those Vermonters with incomes above \$500,000.00 had adjusted gross income increases ranging from 51 to 73 percent, while the lowest income Vermonters experienced a decline in adjusted gross income, and

Whereas, U.S. Census Bureau figures show Vermonters' income continues to decline, and they are earning less in real dollars than a decade ago, and

Whereas, in a November 2014 community assessment, Capstone Community Action reported that the aftermath of the recent recession has resulted in more Vermonters on public assistance, and

Whereas, income inequality has a devastating impact on the neediest Vermonters, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its deep concern over the growing wealth and income inequality in Vermont and its impact on the State's families and economy, *and be it further*

Resolved: That the General Assembly is committed to reducing inequality and raising incomes by rejecting policies that foster inequality and supporting policies that close the income gap and increase income and economic opportunities for all Vermonters.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing & General Affairs.

Bills Introduced

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

S. 36.

By Senators Flory, Ayer, Campbell, Mullin and Sears,
An act relating to postadoption contact agreements.
To the Committee on Judiciary.

S. 37.

By Senators Sirotkin and Doyle,
An act relating to requiring that lobbyists disclose conflicts of interest, to encouraging lobbyists to wear identification, and to creating a pilot project to livestream the proceedings of two committees.

To the Committee on Government Operations.

S. 38.

By Senators Sirotkin and Lyons,
An act relating to the Long-Term Care Evaluation Task Force.
To the Committee on Health & Welfare.

S. 39.

By Senator Rodgers,
An act relating to solid waste management.
To the Committee on Natural Resources & Energy.

**Rules Suspended; Third Reading Ordered; Rules Suspended; Bill Passed
in Concurrence; Bill Messaged**

H. 15.

Appearing on the Calendar for notice, on motion of Senator White, the rules were suspended and House bill entitled:

An act relating to approval of amendments to the charter of the Town of Colchester.

Was taken up for immediate consideration.

Senator White, for the Committee on Government Operations, to which the bill was referred, reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Thereupon, on motion of Senator White, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

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

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was ordered messaged to the House forthwith.

Message from the House No. 9

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

Mr. President:

I am directed to inform the Senate that:

The House has adopted joint resolutions of the following titles:

J.R.H. 1. Joint resolution expressing support for the Public Service Board's establishment of FairPoint Communications service investigation docket and urging the management of FairPoint Communications to settle the current employee strike in order to restore reliable telecommunications services in Vermont.

J.R.H. 2. Joint resolution supporting a woman's right to decide her own reproductive choices, commemorating the 42nd anniversary of the U.S. Supreme Court decision in Roe v. Wade, and the 50th anniversary of Planned Parenthood of Northern New England.

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. 7. House concurrent resolution congratulating the 2014 Wendy's High School Heisman Awards' Vermont State winners Abigail Schmidt and John Winslow.

H.C.R. 8. House concurrent resolution congratulating the 2014 Essex Union High School Hornets State championship boys' volleyball team.

H.C.R. 9. House concurrent resolution congratulating Dr. Delores Barbeau on being named by the Vermont Academy of Family Physicians as the 2014 Physician of the Year.

H.C.R. 10. House concurrent resolution congratulating the Essex Union High School Hornets 2014 Division I championship field hockey team.

H.C.R. 11. House concurrent resolution House concurrent resolution congratulating the 2014 Black River High School Presidents' Division IV championship softball team.

H.C.R. 12. House concurrent resolution designating January 2015 as National Mentoring Month in Vermont.

H.C.R. 13. House concurrent resolution in memory of former Representative Marion Milne of Washington.

H.C.R. 14. House concurrent resolution congratulating the Dolloff Acres Farm in Springfield on its winning the 2014 Vermont Dairy Farm of the Year Award.

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

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 Representative Devereux and others,

By Senators Campbell, Collamore, Flory, McCormack, Mullin and Nitka,

H.C.R. 7.

House concurrent resolution congratulating the 2014 Wendy's High School Heisman Awards' Vermont State winners Abigail Schmidt and John Winslow.

By Representative Myers and others,

H.C.R. 8.

House concurrent resolution congratulating the 2014 Essex Union High School Hornets State championship boys' volleyball team.

By Representative Partridge and others,

H.C.R. 9.

House concurrent resolution congratulating Dr. Delores Barbeau on being named by the Vermont Academy of Family Physicians as the 2014 Physician of the Year.

By Representative Myers and others,

H.C.R. 10.

House concurrent resolution congratulating the Essex Union High School Hornets 2014 Division I championship field hockey team.

By Representative Devereux,

By Senators Nitka, Campbell and McCormack,

H.C.R. 11.

House concurrent resolution House concurrent resolution congratulating the 2014 Black River High School Presidents' Division IV championship softball team.

By Representative Dakin and others,

By Senators Bray, Champion, MacDonald and White,

H.C.R. 12.

House concurrent resolution designating January 2015 as National Mentoring Month in Vermont.

By All Members of the House,

By All Members of the Senate,

H.C.R. 13.

House concurrent resolution in memory of former Representative Marion Milne of Washington.

By Representative Emmons and others,

H.C.R. 14.

House concurrent resolution congratulating the Dolloff Acres Farm in Springfield on its winning the 2014 Vermont Dairy Farm of the Year Award.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 27, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 8.

TUESDAY, JANUARY 27, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Stephen Edington of Montpelier.

Pledge of Allegiance

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

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning,

J.R.S. 11. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 30, 2015, it be to meet again no later than Tuesday, February 3, 2015.

Joint Resolution Referred

J.R.H. 1.

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

Joint resolution expressing support for the Public Service Board's establishment of FairPoint Communications service investigation docket and urging the management of FairPoint Communications to settle the current

employee strike in order to restore reliable telecommunications services in Vermont.

Whereas, since 2008, FairPoint Communications (FairPoint) has been Vermont's primary provider of landline telecommunications services, and

Whereas, although FairPoint promised to add hundreds of new jobs in the three northern New England states, the company's post-2009 bankruptcy workforce is now 20 percent smaller than in 2008, and

Whereas, in August 2014, FairPoint made what the company described as its last offer to its unionized employees for a new contract, and

Whereas, the proposal would have resulted in reduced benefits, but the unionized employees remained at work for two months and offered FairPoint \$200 million in concessions, and Whereas, after their best efforts and much frustration, in October 2014 the employees' two unions, the International Brotherhood of Electrical Workers Local 2326 and Communications Workers of America Local 1400, authorized a strike against FairPoint, and

Whereas, since the strike started, consumer complaints have risen approximately 500 percent resulting in much personal and commercial inconvenience, and

Whereas, on November 28, 2014, the State's E-911 system missed 83 calls in part due to FairPoint's operational problems, and

Whereas, at the request of the Department of Public Service, the Public Service Board, on December 9, 2014, established Docket 8390 to investigate the service problems FairPoint has encountered, and

Whereas, Governor Peter Shumlin, the congressional delegation, and the leadership of the General Assembly's Working Vermonters Caucus have written letters to FairPoint's CEO Paul Sunu calling on FairPoint to return in good faith to the negotiating table, and the Caucus' letter indicated that failure to reach a fair and timely settlement would result in General Assembly members' examination of FairPoint's "financial strength and managerial competence to properly serve the people of Vermont," and

Whereas, on January 4, 2015, in Washington, D.C., the Federal Mediation and Conciliation Service convened a meeting between the parties at which the Service assumed a more proactive role than in a prior session, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses support for the Public Service Board's establishment of a FairPoint Communications service investigation

docket and urges the management of FairPoint Communications to settle the current employee strike in order to restore reliable telecommunications services in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to FairPoint Communications CEO Paul Sunu, FairPoint Vermont President Beth Fastiggi, Governor Peter Shumlin, the Public Service Department, and the Public Service Board.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Finance.

Joint Resolution Placed on Calendar

J.R.H. 2.

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

Joint resolution supporting a woman's right to decide her own reproductive choices, commemorating the 42nd anniversary of the U.S. Supreme Court decision in Roe v. Wade, and the 50th anniversary of Planned Parenthood of Northern New England.

Whereas, on January 22, 1973, the U.S. Supreme Court decision in Roe v. Wade, 410 U.S. 113 (1973), established that the U.S. Constitution protects a woman's right to privacy and limits government interference with medical decisions, and

Whereas, the General Assembly believes that the decision in Roe v. Wade ensures that abortion remains a safe and legal procedure for a woman to consider, if and when she needs it, and

Whereas, as the State of Vermont pursues major health care reform, it should be a public policy goal to enhance the health of all citizens, including women of all ages, and to strengthen individuals and families by encouraging and promoting access to comprehensive family planning services and to prenatal support services that help ensure planned pregnancies remain healthy throughout their entire term, and

Whereas, the General Assembly believes that abortion is a deeply personal and often complex decision for a woman, and therefore whether to choose adoption, end a pregnancy, or raise a child must be left to the woman, her family, and her faith, with the counsel of her doctor or health care provider, now therefore be it

Resolved by the Senate and House of Representatives:

That on the 42nd anniversary of Roe v. Wade and the 50th anniversary of Planned Parenthood of Northern New England, the General Assembly urges Congress and other state legislatures to preserve the rights protected in Roe v. Wade, and be it further

Resolved: That the General Assembly recognizes the critical importance of continued access to safe and legal abortion, and be it further

Resolved: That the General Assembly reaffirms the right of every Vermont woman to privacy, autonomy, and safety in making personal decisions regarding reproduction and family planning, and be it further

Resolved: That the General Assembly acknowledges and celebrates Planned Parenthood of Northern New England's 50 years of providing high quality health services to Vermonters and advocating for women's health, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation.

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

Bills Introduced

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

S. 40.

By Senator Pollina,

An act relating to the creation of a Vulnerable Adult Fatality Review Team.

To the Committee on Health & Welfare.

S. 41.

By Senator Ashe,

An act relating to developing a strategy for evaluating the effectiveness of individual tax expenditures.

To the Committee on Finance.

S. 42.

By Senators Lyons and Ayer,

An act relating to the substance abuse system of care.

To the Committee on Health & Welfare.

S. 43.

By Senator Rodgers,

An act relating to the list of delinquent taxpayers.

To the Committee on Finance.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 28, 2015.

WEDNESDAY, JANUARY 28, 2015

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Donavee Copenhaver of Northfield.

Message from the House No. 10

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 10. An act relating to approval of amendments to the charter of the Town of Barre.

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

Joint Resolutions Placed on Calendar**J.R.S. 12.**

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

By Senator Campbell,

J.R.S. 12. 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 19, 2015, 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. 13.

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

By Senator Campbell,

J.R.S. 13. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2015.

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 19, 2015, shall be governed by the following procedure:

(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.

Bill Referred

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

H. 10.

An act relating to approval of amendments to the charter of the Town of Barre.

To the Committee on Government Operations.

Joint Resolution Adopted in Concurrence

J.R.H. 2.

Joint House resolution entitled:

Joint resolution supporting a woman's right to decide her own reproductive choices, commemorating the 42nd anniversary of the U.S. Supreme Court decision in Roe v. Wade, and the 50th anniversary of Planned Parenthood of Northern New England.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

Adjournment

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Thursday, January 29, 2015.

THURSDAY, JANUARY 29, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Thomas Hardy of Randolph.

Message from the House No. 11

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second 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. 11. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bills Introduced

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

S. 44.

By Senators Westman and Cummings,

An act relating to creating flexibility in early college enrollment numbers.

To the Committee on Education.

S. 45.

By Senator Rodgers,

An act relating to aquatic nuisance control.

To the Committee on Natural Resources & Energy.

S. 46.

By Senators McAllister and Degree,

An act relating to financing water quality improvement.

To the Committee on Natural Resources & Energy.

S. 47.

By Senators Campion and Snelling,

An act relating to prohibiting the manufacture or sale of personal care products and over-the-counter drugs containing microbeads.

To the Committee on Natural Resources & Energy.

S. 48.

By Senators Mullin, Collamore and Flory,

An act relating to setback and screening requirements for solar generation plants.

To the Committee on Natural Resources & Energy.

S. 49.

By Senators Bray, Ayer, Campion, Lyons, McAllister and Starr,

An act relating to improving the quality of State waters.

To the Committee on Natural Resources & Energy.

S. 50.

By Senator Westman,

An act relating to allowing municipalities to adopt bylaws regulating commercial building facades.

To the Committee on Natural Resources & Energy.

Joint Resolutions Adopted on the Part of the Senate

Joint Senate resolutions entitled:

J.R.S. 12. 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.

J.R.S. 13. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2015.

Having been placed on the Calendar for action, were taken up and adopted severally on the part of the Senate.

Adjournment

On motion of Senator Baruth, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, JANUARY 30, 2015

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. 12

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 4. An act relating to prohibiting the manufacture or sale of personal care products and over-the-counter drugs containing microbeads.

H. 17. An act relating to identification and notification of Public Records Act exemptions in administrative rules.

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 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. 16. An act relating to requiring an inmate to report to the Sex Offender Registry prior to release from a correctional facility.

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. 15. House concurrent resolution honoring Frank A. Silfies.

H.C.R. 16. House concurrent resolution congratulating the Rutland Senior High School students whose petition persuaded Apple to remove the After School iPhone App from its iTunes Store.

H.C.R. 17. House concurrent resolution designating the week of January 21–25 as National Nurse Anesthetists Week in Vermont.

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

Senate Resolution Referred**S.R. 4.**

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

By Senators Ashe and Westman,

S.R. 4. Senate resolution relating to amending the permanent rules of the Senate relating to the jurisdiction of the Committee on Institutions.

Resolved by the Senate:

In Rule 24, ninth paragraph, after the words “public buildings” by striking out the comma and inserting the following: ; the acquisition, operation, and management of information technology in state government and in the General Assembly;

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Rules.

Bills Introduced

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

S. 51.

By Senators Bray, Ayer, Balint, Lyons, McAllister, McCormack, Pollina and Zuckerman,

An act relating to establishing a renewable energy standard and energy transformation program.

To the Committee on Natural Resources & Energy.

S. 52.

By Senator Sears,

An act relating to the Uniform Interstate Family Support Act.

To the Committee on Judiciary.

S. 53.

By Senators Ayer, Collamore, Lyons and Pollina,

An act relating to reportable disease registries and data.

To the Committee on Health & Welfare.

S. 54.

By Senators Ashe and Kitchel,

An act relating to the assignment of payment for dental benefits.

To the Committee on Health & Welfare.

Bills Referred

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

H. 4.

An act relating to prohibiting the manufacture or sale of personal care products and over-the-counter drugs containing microbeads.

To the Committee on Natural Resources & Energy.

H. 16.

An act relating to requiring an inmate to report to the Sex Offender Registry prior to release from a correctional facility.

To the Committee on Judiciary.

H. 17.

An act relating to identification and notification of Public Records Act exemptions in administrative rules.

To the Committee on Government Operations.

Bill Amended; Third Reading Ordered

S. 6.

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to technical corrections to civil and criminal procedure statutes.

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

Sec. 1. 13 V.S.A. § 1501 is amended to read:

§ 1501. ESCAPE AND ATTEMPTS TO ESCAPE

* * *

(b)(1) A person ~~who~~ shall not, while in lawful custody:

(1) ~~fails~~ (A) fail to return from work release to the correctional facility at the specified time, or visits other than the specified place, as required by the order issued in accordance with 28 V.S.A. § 753;

(2) ~~fails~~ (B) fail to return from furlough to the correctional facility at the specified time, or visits other than the specified place, as required by the order issued in accordance with 28 V.S.A. § 808, 808a, 808b, or 808c;

~~(3) escapes or attempts~~ (C) escape or attempt to escape while on release from a correctional facility to do work in the service of such facility or of the Department of Corrections in accordance with 28 V.S.A. § 758; or

~~(4) escapes or attempts~~ (D) escape or attempt to escape from the Vermont State Hospital, or its successor in interest or a participating hospital, when confined by court order pursuant to chapter 157 of this title, or when transferred there pursuant to 28 V.S.A. § 703 and while still serving a sentence; ~~shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.~~

(2) A person who violates this subsection shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.

* * *

Sec. 2. 13 V.S.A. § 5321 is amended to read:

§ 5321. APPEARANCE BY VICTIM

* * *

(c) In accordance with ~~court~~ Court rules, at the sentencing hearing, the ~~court~~ Court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding sentencing. ~~in~~ In imposing sentence, the ~~court~~ Court shall consider any views offered at the hearing by the victim. ~~if~~ If the victim is not present, the ~~court~~ Court shall ask whether the victim has expressed, either orally or in writing, views regarding sentencing and shall take those views into consideration in imposing sentence.

(d) At or before the sentencing hearing, the prosecutor's office shall instruct the victim of a listed crime, in all cases where the ~~court~~ Court imposes a sentence which includes a period of incarceration, that a sentence of incarceration is to the custody of the ~~commissioner~~ Commissioner of ~~corrections~~ Corrections and that the ~~commissioner~~ Commissioner of ~~corrections~~ Corrections has the authority to affect the actual time the defendant shall serve in incarceration through good time credit, furlough, work-release, and other early release programs. ~~in~~ In addition, the prosecutor's office shall explain the significance of a minimum and maximum sentence to the victim and shall also explain the function of parole and how it may affect the actual amount of time the defendant may be incarcerated.

* * *

Sec. 3. 13 V.S.A. § 5574 is amended to read:

§ 5574. BURDEN OF PROOF; JUDGMENT; DAMAGES

(a) A claimant shall be entitled to judgment in an action under this subchapter if the claimant establishes each of the following by clear and convincing evidence:

* * *

(2)(A) ~~The~~ the complainant's conviction was reversed or vacated, the complainant's information or indictment was dismissed, or the complainant was acquitted after a second or subsequent trial; or

(B) ~~The~~ the complainant was pardoned for the crime for which he or she was sentenced.

* * *

Sec. 4. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) No person shall knowingly and unlawfully possess more than one ounce of marijuana or more than five grams of hashish or cultivate marijuana. For a first offense under this subdivision (A), a person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this subdivision shall be imprisoned not more than six months or fined not more than \$500.00, or both.

* * *

(b) Selling or dispensing.

(1) A person knowingly and unlawfully selling marijuana or hashish shall be imprisoned not more than two years or fined not more than \$10,000.00, or both.

(2) A person knowingly and unlawfully selling or dispensing ~~one-half more than one~~ more than one ounce ~~or more~~ of marijuana or ~~2.5 more than five~~ 2.5 more than five grams ~~or more~~ of hashish shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

(3) A person knowingly and unlawfully selling or dispensing one pound or more of marijuana or 2.8 ounces of hashish shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

* * *

Sec. 5. 33 V.S.A. § 5308(a)(4) is amended to read:

(4) The custodial parent, guardian, or ~~guardian~~ custodian has abandoned the child.

Sec. 6. 2014 Acts and Resolves No. 126, Sec. 7 is amended to read:

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2014 and shall apply to restitution orders issued after that date; provided, however, that notwithstanding 1 V.S.A. § 214, Secs. 1, 3, 4, 5, and 6 shall also apply retroactively to restitution orders issued on or before July 1, 2014.

Sec. 7. 18 V.S.A. § § 4230a, 4230b, and 4230c are amended to read:

§ 4230a. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE OR OLDER; CIVIL VIOLATION

(a) A person 21 years of age or older who knowingly and unlawfully possesses or dispenses one ounce or less of marijuana or five grams or less of hashish commits a civil violation and shall be assessed a civil penalty as follows:

- (1) not more than \$200.00 for a first offense;
- (2) not more than \$300.00 for a second offense;
- (3) not more than \$500.00 for a third or subsequent offense.

(b)(1) Except as otherwise provided in this section, a person 21 years of age or older who possesses or dispenses one ounce or less of marijuana or five grams or less of hashish or who possesses paraphernalia for marijuana use shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) A violation of this section shall not result in the creation of a criminal history record of any kind.

* * *

§ 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS OF AGE; FIRST OR SECOND OFFENSE; CIVIL VIOLATION

(a) Offense. Except as otherwise provided in section 4230c of this title, a person under 21 years of age who knowingly and unlawfully possesses or dispenses one ounce or less of marijuana or five grams or less of hashish commits a civil violation and shall be referred to the Court Diversion Program

for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(1) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a first offense; and

(2) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 180 days, for a second offense.

* * *

§ 4230c. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS OF AGE; THIRD OR SUBSEQUENT OFFENSE; CRIME

No person shall knowingly and unlawfully possess or dispense marijuana. A person under 21 years of age who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish commits a crime if the person has been adjudicated at least twice previously in violation of section 4230b of this title and shall be imprisoned not more than 30 days or fined not more than \$600.00, or both.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

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.

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:

Kiehle, James of Brattleboro - Member, State Labor Relations Board – July 1, 2014, to June 30, 2020.

Laughlin, Joshua of Putney - Member, Vermont Housing and Conservation Board - May 9, 2014, to January 31, 2017.

Appointment of Senate Members to the Emergency Board

Pursuant to the provisions of 32 V.S.A. §131, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Emergency Board for terms of two years:

Senator Kitchel, *ex officio*
Senator Ashe, *ex officio*

**Appointment of Senate Members to Green Mountain Care Board
Nominating Committee**

Pursuant to the provisions of 18 V.S.A. §9390, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Green Mountain Care Board Nominating Committee, for a term of two years:

Senator Mullin
Senator Ayer

**Appointment of Senate Members to Government Accountability
Committee**

Pursuant to the provisions of Sec. 5(b) of No. 206 of the Acts of 2008, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Legislative Government Accountability for the current biennium:

Senator White
Senator Pollina
Senator Snelling
Senator Doyle

Appointment of Senate Members to Health Reform Oversight Committee

Pursuant to the provisions of Act No. 179, Sec. E 306.3 (2014), the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Health Reform Oversight Committee:

Senator Kitchel
Senator Ashe
Senator Ayer

Appointment of Senate Members to the Joint Committee on Judicial Retention

Pursuant to the provisions of 4 V.S.A. §607, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Committee on Judicial Retention during this biennium:

Senator Nitka
Senator Flory
Senator Benning
Senator Sirotkin

Appointment of Senate Members to Joint Rules Committee

The President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Rules Committee for terms of two years pursuant to the provisions of Joint Rule No. 5:

Senator Campbell, *ex officio*
Senator Mazza
Senator Baruth
Senator Benning

Appointment of Senate Members to the Joint Transportation Oversight Committee

Pursuant to the provisions of 19 V.S.A. §12b the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Transportation Oversight Committee for terms of two years:

Senator Mazza, *ex officio*
Senator Kitchel, *ex officio*
Senator Ashe, *ex officio*

Appointment of Senate Members to Legislative Council

Pursuant to the provisions of 2 V.S.A. §402, the President announced the appointment by the President of the following Senators to serve on the Legislative Council for terms of two years:

Senator Campbell, *ex officio*
Senator Sears
Senator Mazza
Senator Snelling

Appointment of Senate Members to Legislative Oversight Committee on Information Technology

Pursuant to the provisions of 2 V.S.A. §751, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Oversight Committee on Information Technology for the current biennium:

Senator Bray
Senator Baruth
Senator Westman
Senator Campion

Appointment of Senate Members to the Senate Sexual Harassment Panel

Pursuant to the provisions of Senate Rule 101, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Senate Sexual Harassment Panel (SSHP) during this biennium: (6 Members)

Senator Baruth
Senator Kitchel
Senator Benning
Senator Zuckerman
Senator Lyons
Senator White

Appointment of Senate Member to Vermont Economic Progress Council

Pursuant to the provisions of 32 V.S.A. §5930a, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Economic Progress Council for a term of two years:

Senator Mullin

Standing Committee Appointed

The President, on behalf of the Committee on Committees, reported the appointment of the following standing committee, as follows:

Senate Rules

At Call Senator Campbell, Chair
 Baruth, Vice-Chair
 Mazza
 Benning
 Flory

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 Representatives Huntley and Sweaney,

H.C.R. 15.

House concurrent resolution honoring Frank A. Silfies.

By Representative Cupoli and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 16.

House concurrent resolution congratulating the Rutland Senior High School students whose petition persuaded Apple to remove the After School iPhone App from its iTunes Store.

By Representative Keenan and others,

H.C.R. 17.

House concurrent resolution designating the week of January 21–25 as National Nurse Anesthetists Week in Vermont.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 3, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 11.

TUESDAY, FEBRUARY 3, 2015

The Senate was called to order by the President.

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.