

JOURNAL OF THE SENATE
OF THE
STATE OF VERMONT

ADJOURNED SESSION, 2016

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Journal of the Senate of the STATE OF VERMONT ADJOURNED SESSION, 2016

TUESDAY, JANUARY 5, 2016

Pursuant to the provisions of the 2015 final adjournment joint resolution of the two Houses (J.R.S. 29), the Senate convened at the State House at Montpelier, on Tuesday, the fifth day of January, two thousand sixteen.

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 Paul Habersang of Montpelier.

Pledge of Allegiance

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

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. 30. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 7, 2016, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor.

By Senator Campbell,

J.R.S. 31. 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 21, 2016, at two o'clock in the afternoon to receive the budget message of the Governor.

By Senator Campbell,

J.R.S. 32. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 26, 2016, or Saturday, February 27, 2016, it be to meet again no later than Tuesday, March 8, 2016.

By Senators Baruth and Benning,

J.R.S. 33. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 8, 2016, it be to meet again no later than Tuesday, January 12, 2016.

Senate Resolution Placed on Calendar

S.R. 8.

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

By the Committee on Rules,

S.R. 8. Senate resolution relating to the suspension of Senator Norman H. McAllister.

Resolved by the Senate:

That the Senate hereby suspends Senator Norman H. McAllister from exercising any of the powers of his office as a Member of the Senate until all criminal proceedings currently pending against him have been dismissed.

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

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:

Skinner, Mary of Middlesex - Member of the Vermont Natural Gas and Oil Resources Board, - from May 15, 2015, to February 28, 2018.

To the Committee on Natural Resources and Energy.

Ellis, Dawn of Burlington - Member of the Human Rights Commission, - from May 15, 2015, to February 29, 2020.

To the Committee on Judiciary.

Elovirta, Cheryl of Winooski - Member of the Children and Family Council for Prevention Programs, - from May 28, 2015, to February 29, 2016.

To the Committee on Health and Welfare.

Bishop, Robert of St. Johnsbury - Member of the State Infrastructure Bank Board, - from June 9, 2015, to February 28, 2020.

To the Committee on Finance.

Baker, Jessie of Montpelier - Member of the State Infrastructure Bank Board, - from June 9, 2015, to February 28, 2017.

To the Committee on Finance.

Bruce, Lawrence of St. Albans - Member of the Transportation Board, - from June 9, 2015, to February 28, 2018.

To the Committee on Transportation.

LaBarge, John of South Hero - Member of the Travel Information Council, - from June 9, 2015, to February 28, 2017.

To the Committee on Transportation.

Reed, Frank of Barre - Commissioner of the Mental Health, Department of, - from June 12, 2015, to February 28, 2017.

To the Committee on Health and Welfare.

Williams, Robert of Poultney - Member of the Electricians' Licensing Board, - from July 1, 2015, to June 30, 2018.

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

Watkins, Timothy of Colchester - Member of the Electricians' Licensing Board, - from July 1, 2015, to June 30, 2018.

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

Chen, Rainbow of Winooski - Member of the State Board of Education, - from July 1, 2015, to June 30, 2017.

To the Committee on Education.

MacDonald, Gregory of East Montpelier - Member of the Vermont Tobacco Evaluation and Review Board, - from July 1, 2015, to June 30, 2018.

To the Committee on Health and Welfare.

Lauzon, Thomas of Barre - Member of the Liquor Control Board, - from July 21, 2015, to January 31, 2020.

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

Davenport, Amy of Montpelier - Member of the Children and Family Council for Prevention Programs, - from July 21, 2015, to February 28, 2018.

To the Committee on Health and Welfare.

Rambur, Betty of South Burlington - Member of the Green Mountain Care Board, - from July 21, 2015, to September 30, 2021.

To the Committee on Health and Welfare.

Bourdon, Kevin of Waltham - Member of the Electricians' Licensing Board, - from August 25, 2015, to June 30, 2018.

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

McKenzie, Mary Alice of Burlington - Member of the State Police Advisory Commission, - from August 25, 2015, to June 30, 2016.

To the Committee on Government Operations.

Sessions, Hannah of Salisbury - Member of the Vermont Housing and Conservation Board, - from August 25, 2015, to January 31, 2016.

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

Kassim, Isra of Winooski - Member of the Children and Family Council for Prevention Programs, - from October 30, 2015, to February 28, 2017.

To the Committee on Health and Welfare.

Veal, Christopher of Burlington - Member of the Children and Family Council for Prevention Programs, - from October 30, 2015, to February 28, 2017.

To the Committee on Health and Welfare.

Herrington, Heather of Burlington - Member of the Health, State Board of, - from October 30, 2015, to February 28, 2021.

To the Committee on Health and Welfare.

Shand, Ernest of Windsor - Member of the Health, State Board of, - from October 30, 2015, to February 28, 2021.

To the Committee on Health and Welfare.

Billings, Jireh of Bridgewater - Member of the Capitol Complex Commission, - from October 30, 2015, to February 28, 2018.

To the Committee on Institutions.

Karnedy, Gary of South Burlington - Member of the State Labor Relations Board, - from October 30, 2015, to June 30, 2021.

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

Thompson, Rebecca of Richmond - Member of the Vermont Tobacco Evaluation and Review Board, - from October 30, 2015, to September 30, 2018.

To the Committee on Health and Welfare.

Valente, John of Rutland - Superior Judge, - from September 4, 2015, to March 31, 2020.

To the Committee on Judiciary.

Schoonover, Kirstin of Huntington - Superior Judge, - from September 10, 2015, to March 31, 2017.

To the Committee on Judiciary.

Valentine, Brian of Huntington - Magistrate, - from September 10, 2015, to March 31, 2021.

To the Committee on Judiciary.

Thomas, Carlson of Hinesburg - Superior Judge, - from September 18, 2015, to March 31, 2017.

To the Committee on Judiciary.

Bills Placed on Calendar

Pursuant to Temporary Rule 44A the following bills having been voted out of committee but having failed to meet cross-over were referred to the Committee on Rules and are now hereby placed on the Calendar for notice the next legislative day:

S. 94. An act relating to appointing municipal clerks and treasurers,

S. 114. An act relating to the Open Meeting Law.

S. 124. An act relating to expanding the scope of practice of Level II certified law enforcement officers.

Bills Referred

Pursuant to Temporary Rule 44A the following bills having failed to meet cross-over and being referred to the Committee on Rules are hereby referred to their respective committees of jurisdiction:

H. 8. An act relating to the oversight of the transfer of military equipment to law enforcement agencies,

To the Committee on Government Operations.

H. 84. An act relating to internet dating services.

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

H. 187. An act relating to absence from work for health care and safety.

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

H. 280. An act relating to amending the State Board of Education rules on school lighting requirements.

To the Committee on Education.

H. 355. An act relating to licensing and regulating foresters.

To the Committee on Government Operations.

H. 363. An act relating to the Petroleum Cleanup Fund.

To the Committee on Natural Resources and Energy.

H. 367. An act relating to miscellaneous revisions to the municipal plan adoption, amendment, and update process.

To the Committee on Natural Resources and Energy.

H. 434. An act relating to law enforcement and fire service training safety.
To the Committee on Government Operations.

Bills Introduced

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

S. 153.

By Senator White,
An act relating to jurors' fees.
To the Committee on Judiciary.

S. 154.

By Senators Sears, Campbell, Ayer, Flory and Pollina,
An act relating to enhanced penalties for assaulting an employee of the Family Services Division of the Department for Children and Families and to criminal threatening.

To the Committee on Judiciary.

S. 155.

By Senators Ashe, Benning and Sears,
An act relating to privacy protection.
To the Committee on Judiciary.

S. 156.

By Senator Ashe,
An act relating to requiring an evaluation of the effectiveness of Vermont's tax expenditures.
To the Committee on Finance.

S. 157.

By Senator Benning,
An act relating to breast density notification and education.
To the Committee on Health and Welfare.

S. 158.

By Senator Cummings,

An act relating to amendments to Act 46 and transferring the property and debt of merged districts.

To the Committee on Education.

S. 159.

By Senator Campion,

An act relating to establishing a regenerative agriculture certification program.

To the Committee on Agriculture.

S. 160.

By Senator Rodgers,

An act relating to operation of all-terrain vehicles along State highways.

To the Committee on Transportation.

S. 161.

By Senators Flory and Benning,

An act relating to an exemption from the motorcycle helmet law for parade participants.

To the Committee on Transportation.

S. 162.

By Senator Campion,

An act relating to creating a system for public-private partnerships.

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

S. 163.

By Senator Benning,

An act relating to the sale of malt beverages in growlers.

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

S. 164.

By Senator Benning,

An act relating to sales of malt beverages by manufacturers.

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

S. 165.

By Senators Balint, Bray and Campion,

An act relating to fair employment practices.

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

S. 166.

By Senator Sirotkin,

An act relating to cross-promoting development incentives and state policy goals.

To the Committee on Government Operations.

S. 167.

By Senator Pollina,

An act relating to the role of social service providers in accountable care organizations.

To the Committee on Health and Welfare.

S. 168.

By Senator Rodgers,

An act relating to incentives for lower education spending.

To the Committee on Finance.

S. 169.

By Senators Sirotkin and Zuckerman,

An act relating to the Rozo McLaughlin Farm-to-School Program.

To the Committee on Agriculture.

S. 170.

By Senator Pollina,

An act relating to the Open Meeting Law.

To the Committee on Government Operations.

S. 171.

By Senator Sears,

An act relating to eligibility for pretrial risk assessment and needs screening.

To the Committee on Judiciary.

S. 172.

By Senator Lyons,

An act relating to the use of colored lights on fire department and emergency service vehicles.

To the Committee on Transportation.

S. 173.

By Senator Kitchel,

An act relating to volunteer and municipal immunity.

To the Committee on Judiciary.

S. 174.

By Senators Sears, Ashe and Benning,

An act relating to a model State policy for use of body cameras by law enforcement officers.

To the Committee on Judiciary.

S. 175.

By Senator Pollina,

An act relating to creating an education property tax that is adjusted by income for all taxpayers.

To the Committee on Finance.

S. 176.

By Senators Pollina and Sirotkin,

An act relating to an income tax credit for home modifications required by a disability or physical hardship.

To the Committee on Finance.

S. 177.

By Senator Pollina,

An act relating to the funding of the Higher Education Endowment Trust Fund.

To the Committee on Education.

S. 178.

By Senator Pollina,

An act relating to proportional appropriations from the Higher Education Endowment Trust Fund.

To the Committee on Education.

S. 179.

By Senator Pollina,

An act relating to the use of Vermont Student Assistance Corporation grants and scholarships.

To the Committee on Education.

S. 180.

By Senator Pollina,

An act relating to increasing General Fund appropriations to the Vermont State Colleges.

To the Committee on Education.

S. 181.

By Senator Pollina,

An act relating to the State's financial support of the Vermont State Colleges.

To the Committee on Education.

S. 182.

By Senator Sears,

An act relating to the disclosure of a grand jury decision involving actions committed by a law enforcement officer.

To the Committee on Judiciary.

S. 183.

By Senators Kitchel, Flory and Sears,

An act relating to permanency for children in the child welfare system.

To the Committee on Judiciary.

S. 184.

By Senator Pollina,

An act relating to establishing a State Ethics Commission.

To the Committee on Government Operations.

S. 185.

By Senator Flory,

An act relating to termination of parental rights.

To the Committee on Judiciary.

S. 186.

By Senator Mullin,

An act relating to health insurance coverage for the early refill of prescription eye drops.

To the Committee on Finance.

S. 187.

By Senators Flory and Ayer,

An act relating to suspending public officials with pay by legislative bodies.

To the Committee on Government Operations.

S. 188.

By Senator Mullin,

An act relating to the licensure of speech-language pathologists and audiologists.

To the Committee on Education.

S. 189.

By Senators Flory and Balint,

An act relating to foster parents' rights and protections.

To the Committee on Health and Welfare.

S. 190.

By Senator Lyons,

An act relating to maintaining prescription drugs outside the original prescription container.

To the Committee on Health and Welfare.

S. 191.

By Senator Kitchel,

An act relating to siting of wind generation facilities.

To the Committee on Finance.

S. 192.

By Senator Pollina,

An act relating to Medicaid rates for home- and community-based service providers.

To the Committee on Health and Welfare.

S. 193.

By Senator Flory,

An act relating to decedents' estates.

To the Committee on Judiciary.

S. 194.

By Senators Campion and Sears,

An act relating to student expulsion and suspension as a last resort.

To the Committee on Education.

S. 195.

By Senator Ayer,

An act relating to a study on whether to require large buildings to install solar generation.

To the Committee on Natural Resources and Energy.

S. 196.

By Senator Lyons,

An act relating to the Agency of Human Services' contracts with providers.

To the Committee on Health and Welfare.

S. 197.

By Senator Lyons,

An act relating to radon testing in schools.

To the Committee on Education.

S. 198.

By Senators Snelling, Collamore, Pollina and White,

An act relating to the Government Accountability Committee and the annual report on the State's population-level outcomes.

To the Committee on Government Operations.

S. 199.

By Senators Sears and Benning,

An act relating to the invalidity of residential rental agreements that prohibit the tenant from possessing firearms on the premises.

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

S. 200.

By Senators Pollina and Zuckerman,
An act relating to the use of neonicotinoid pesticides.
To the Committee on Agriculture.

S. 201.

By Senator Nitka,
An act relating to limitations on prescriptions for opioids.
To the Committee on Health and Welfare.

S. 202.

By Senator Sirotkin,
An act relating to the Agency of Agriculture, Food and Markets establishing
a universal meals pilot project under the Farm-to-School Program.
To the Committee on Agriculture.

S. 203.

By Senators Sears and Collamore,
An act relating to sport shooting ranges and Act 250.
To the Committee on Natural Resources and Energy.

S. 204.

By Senators Benning, Collamore, Flory, Rodgers and Starr,
An act relating to siting renewable electric generation.
To the Committee on Finance.

S. 205.

By Senators Rodgers and Starr,
An act relating to renewable energy development and protecting agricultural
and forest soils.
To the Committee on Finance.

S. 206.

By Senator Balint,

An act relating to probation, parole, and furlough conditions.

To the Committee on Institutions.

S. 207.

By Senator Balint,

An act relating to compassionate release and parole eligibility.

To the Committee on Institutions.

S. 208.

By Senator Nitka,

An act relating to gradually increasing the mandatory age of school attendance.

To the Committee on Education.

S. 209.

By Senator Sirotkin,

An act relating to the Attorney General and ratepayer advocacy.

To the Committee on Finance.

S. 210.

By Senators Rodgers and Starr,

An act relating to banning industrial wind.

To the Committee on Natural Resources and Energy.

S. 211.

By Senator Sirotkin,

An act relating to the Vermont Commission on Employee Misclassification.

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

S. 212.

By Senators Sears, Ashe, Flory, Lyons and Snelling,

An act relating to court-approved absences from home detention and home confinement furlough.

To the Committee on Judiciary.

S. 213.

By Senator Cummings,

An act relating to parental leave insurance benefits.

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

S. 214.

By Senator Ashe,

An act relating to transfer of Exchange plan administration to health insurance carriers.

To the Committee on Finance.

S. 215.

By Senator Mullin,

An act relating to the regulation of vision insurance plans.

To the Committee on Finance.

S. 216.

By Senator Mullin,

An act relating to prescription drug formularies.

To the Committee on Finance.

S. 217.

By Senator White,

An act relating to the State's organization of professional regulation.

To the Committee on Government Operations.

S. 218.

By Senator Campbell,

An act relating to automobile minimum liability coverage.

To the Committee on Judiciary.

S. 219.

By Senator Nitka,

An act relating to the deferral of property taxes for taxpayers 65 years of age or older.

To the Committee on Finance.

S. 220.

By Senator Baruth,

An act relating to the public financing of campaigns.

To the Committee on Government Operations.

S. 221.

By Senator White,

An act relating to law enforcement officers.

To the Committee on Government Operations.

S. 222.

By Senator Lyons,

An act relating to creating a wood energy forester position.

To the Committee on Natural Resources and Energy.

S. 223.

By Senator Mullin,

An act relating to regulating fantasy sports contests.

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

S. 224.

By Senator Rodgers,

An act relating to warranty obligations of equipment dealers and suppliers.

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

S. 225.

By Senators Mazza and Westman,

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

To the Committee on Transportation.

S. 226.

By Senator Nitka,

An act relating to energy facility siting.

To the Committee on Finance.

S. 227.

By Senator Sears,

An act relating to the evidentiary rules governing proceedings concerning a child or person with a psychiatric, intellectual, or developmental disability who is a victim of an offense involving bodily injury or serious bodily injury.

To the Committee on Judiciary.

S. 228.

By Senator Lyons,

An act relating to creating an exemption from the statewide education property tax for nonprofit Level III residential homes.

To the Committee on Finance.

S. 229.

By Senator Lyons,

An act relating to conservation at interstate interchanges and protecting settlement patterns.

To the Committee on Natural Resources and Energy.

S. 230.

By Senators Bray, Benning, MacDonald and Nitka,

An act relating to improving the siting of energy projects.

To the Committee on Finance.

S. 231.

By Senator Lyons,

An act relating to immunity from liability for agritourism activities.

To the Committee on Judiciary.

S. 232.

By Senator Westman,

An act relating to municipally owned hydroelectric plants.

To the Committee on Natural Resources and Energy.

S. 233.

By Senator Zuckerman,

An act relating to amending Act 46.

To the Committee on Education.

S. 234.

By Senator White,

An act relating to a candidate's constitutional qualifications for office.

To the Committee on Government Operations.

S. 235.

By Senator Degree,

An act relating to the prescription, maintenance, and use of epinephrine auto-injectors.

To the Committee on Health and Welfare.

S. 236.

By Senator Zuckerman,

An act relating to ensuring that roofs of new construction are solar-ready.

To the Committee on Natural Resources and Energy.

S. 237.

By Senators Bray and Snelling,

An act relating to miscellaneous timber harvesting, forestry, and State lands issues.

To the Committee on Natural Resources and Energy.

S. 238.

By Senators Ashe, Ayer, Lyons, MacDonald, Mullin, Sirotkin and Westman,

An act relating to intermunicipal insurance agreements for health care.

To the Committee on Finance.

S. 239.

By Senator Doyle,

An act relating to public events and tent safety.

To the Committee on Government Operations.

S. 240.

By Senator Doyle,

An act relating to protecting the credit of a minor child.

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

S. 241.

By Senators White and Benning,

An act relating to personal possession and cultivation of cannabis and the regulation of commercial cannabis establishments.

To the Committee on Judiciary.

S. 242.

By Senator White,

An act relating to the service of civil process by a constable.

To the Committee on Judiciary.

S. 243.

By Senators Sirotkin and Ashe,
An act relating to combating opioid abuse in Vermont.
To the Committee on Health and Welfare.

S. 244.

By Senators Ashe and Sirotkin,
An act relating to determining hospital costs.
To the Committee on Health and Welfare.

S. 245.

By Senators Ashe and Sirotkin,
An act relating to disclosure of health care provider affiliations.
To the Committee on Health and Welfare.

S. 246.

By Senator Champion,
An act relating to hunting licenses for minors.
To the Committee on Natural Resources and Energy.

S. 247.

By Senators Bray, Balint, Ayer, Cummings, Lyons, Mullin, Pollina,
Sirotkin, Snelling, White and Zuckerman,
An act relating to equal pay.
To the Committee on Economic Development, Housing and General
Affairs.

S. 248.

By Senator Sears,
An act relating to truancy and school discipline and student offense
reporting requirements.
To the Committee on Education.

S. 249.

By Senators Westman, Collamore and Flory,

An act relating to the authority of a unified union school district meeting certain conditions to operate a school and pay tuition.

To the Committee on Education.

S. 250.

By Senator Mullin,

An act relating to farm distilleries and Vermont barrel aged maple spirits.

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

S. 251.

By Senators Baruth and Degree,

An act relating to the Commissioner of Liquor Control and the Liquor Control Board.

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

S. 252.

By Senator Mullin,

An act relating to the sale of lottery products.

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

S. 253.

By Senator Mullin,

An act relating to the manufacture of fortified wines.

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

S. 254.

By Senators Sirotkin and Cummings,

An act relating to paid family leave.

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

S. 255.

By Senators Ayer and Lyons,

An act relating to regulation of hospitals, health insurers, and managed care organizations.

To the Committee on Health and Welfare.

S. 256.

By Senators Lyons, Ayer, Starr and Westman,

An act relating to extending the moratorium on home health agency certificates of need.

To the Committee on Health and Welfare.

S. 257.

By Senator Nitka,

An act relating to residential rental agreements.

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

S. 258.

By Senator McCormack,

An act relating to access to treatment for patients with a terminal illness.

To the Committee on Health and Welfare.

S. 259.

By Senator McCormack,

An act relating to smoke-free rental housing.

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

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 6 was introduced, read the first time and referred:

By Senator Snelling,

PROPOSAL 6**Sec. 1. PURPOSE**

This proposal would amend the Constitution of the State of Vermont to provide the Governor with a four-year term of office. It would also amend a

provision of the Constitution to clarify that certain constitutional officers that already have a four-year term of office are elected every four years.

Sec. 2. Section 43 of Chapter II of the Vermont Constitution is amended to read:

§ 43. [~~BIENNIAL~~ ELECTIONS]

The Governor, ~~Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts, Senators, Town Representatives,~~ Assistant Judges of the County Court, Sheriffs, ~~High Bailiffs,~~ State's Attorneys, and Judges of Probate and Justices of the Peace, shall be elected ~~biennially every four years~~ on the first Tuesday next after the first Monday of November, beginning in A.D. ~~1914~~ 2020. The Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts, Senators, Representatives, High Bailiffs, and Justices of the Peace shall be elected biennially on the first Tuesday next after the first Monday of November, beginning in A.D. 2020.

Sec. 3. 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~~ four years ensuing. The Lieutenant-Governor and the Treasurer shall be chosen in the manner above directed for the two years ensuing.

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.

Sec. 4. Section 48 of Chapter II of the Vermont Constitution is amended to read:

§ 48. [ELECTION OF SECRETARY OF STATE AND AUDITOR OF ACCOUNTS]

The Secretary of State and the Auditor of Accounts shall be elected by the voters of the State upon the same ticket with the ~~Governor~~, Lieutenant-Governor and Treasurer; and the Legislature shall carry this provision into effect by appropriate legislation.

Sec. 5. Section 49 of Chapter II of the Vermont Constitution is amended to read:

§ 49. [TERM OF GOVERNOR, LIEUTENANT-GOVERNOR, AND TREASURER]

The term of office of the Governor shall be four years, and the terms of office of the Lieutenant-Governor and Treasurer of the State, respectively, shall be two years. The terms of these officers shall commence when they shall be chosen and qualified, and shall continue for the duration of their term of two years, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment.

Sec. 6. EFFECTIVE DATE

The amendments set forth in this proposal 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 in the afternoon on Wednesday, January 6, 2016.

WEDNESDAY, JANUARY 6, 2016

The Senate was called to order by the President.

Devotional Exercises

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

Rules Suspended; Bill Recommitted

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

S. 114. An act relating to the Open Meeting Law.

Was taken up for immediate consideration.

Thereupon, pending second reading of the bill, on motion of Senator White the bill was recommitted to the Committee on Government Operations.

Senate Resolution; Substitute Resolution Introduced; Consideration Interrupted by Recess**S.R. 8.**

Senate resolution entitled:

Senate resolution relating to the suspension of Senator Norman H. McAllister.

Having been placed on the Calendar for action, was taken up.

Thereupon, pending the question, Shall the Senate adopt the resolution?, Senators Flory, Collamore, Mazza, McCormack, Starr and White moved to substitute the resolution with the following:

S.R. 8. Senate resolution postponing suspension or any other action as to Senator McAllister until there is a verdict in his criminal trial.

Whereas, the rights of victims should not be jeopardized, nor the right of a person charged with a crime to be considered innocent until proven guilty, and

Whereas, all Vermonters have a right to equal representation and that right should not be abridged by reducing the number of Senators who represent any district or part of this State, and

Whereas, all Senators swear, pursuant to Chapter II, §§ 16 and 17 of the Constitution of the State of Vermont, to “not propose, or assent to, any bill, vote or resolution, which shall ... have a tendency to lessen or abridge” Vermonters’ “rights and privileges, as declared by the Constitution of this State,” *now therefore be it*

Resolved by the Senate:

That the Senate shall postpone any action concerning suspending, expelling, or taking any other action pertaining to Senator McAllister until entry of judgment or, if entry of judgment is stayed pending appeal, after a plea has been entered or a verdict returned in his criminal trial.

Thereupon, pending the question, Shall the resolution be substituted as recommended by Senators Flory, Collamore, Mazza, McCormack, Starr and White?, Senator Sears raised a *point of order* under that the resolution was impermissible as it required the Senate to interpret the Constitution obligations of Senators.

The President *overruled* the point of order.

Thereupon, pending the question, Shall the resolution be substituted as recommended by Senators Flory, Collamore, Mazza, McCormack, Starr and White?, on motion of Senator McAllister the Senate recessed until 2:15 P.M.

Called to Order

The Senate was called to order by the President.

Consideration Resumed; Consideration Interrupted by Recess

S.R. 8.

Consideration was resumed on Senate resolution entitled:

Senate resolution relating to the suspension of Senator Norman H. McAllister.

Thereupon, the question, Shall the resolution be substituted as recommended by Senators Flory, Collamore, Mazza, McCormack, Starr and White?, was disagreed to on a roll call, Yeas 10, Nays 20.

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

Roll Call

Those Senators who voted in the affirmative were: Ayer, Collamore, Flory, MacDonald, Mazza, McAllister, McCormack, Mullin, Starr, White.

Those Senators who voted in the negative were: Ashe, Balint, Baruth, Benning, Bray, Campbell, Champion, Cummings, Degree, Doyle, Kitchel, Lyons, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Westman, Zuckerman.

Thereupon, pending the question, Shall the Senate adopt the resolution?, on motion of Senator McAllister the Senate recessed for five minutes.

Called to Order

The Senate was called to order by the President.

Consideration Resumed; Senate Resolution Adopted**S.R. 8.**

Consideration was resumed on Senate resolution entitled:

Senate resolution relating to the suspension of Senator Norman H. McAllister.

Thereupon, the question, Shall the Senate adopt the resolution?, was agreed to on a roll call, Yeas 20, Nays 10.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Bray, Campbell, Campion, Cummings, Degree, Doyle, Kitchel, Lyons, Pollina, Rodgers, Sears, Sirotkin, Snelling, Westman, Zuckerman.

Those Senators who voted in the negative were: Collamore, Flory, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Starr, White.

Message from the House No. 1

A message was received from the House of Representatives by Mr. Jeremy Weiss, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has adopted joint resolution of the following title:

J.R.H. 17. Joint resolution urging FIFA to institute equal payment plans for men's and women's World Cup soccer teams.

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

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

J.R.S. 30. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

J.R.S. 33. 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 7, 2016.

THURSDAY, JANUARY 7, 2016

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Michael Augustinwicz of Montpelier.

Joint Resolution Referred**J.R.H. 17.**

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

Joint resolution urging FIFA to institute equal payment plans for men's and women's World Cup soccer teams.

Whereas, the Women's World Cup (WWC) has assumed increasing prominence in international soccer competition, and

Whereas, media coverage of this premier women's soccer tournament now rivals that afforded the original all-male World Cup (WC), and

Whereas, a large and enthusiastic crowd of over 50,000 fans witnessed the WWC championship game in Vancouver, British Columbia, in which the U.S. team defeated Japan 5-2, and

Whereas, in recognition of this singular athletic achievement, the International Federation of Association Football (FIFA), international soccer's governing body, paid the 2015 U.S. team \$2 million, twice the sum paid the 2011 WWC championship team, and

Whereas, despite FIFA's doubling of the WWC championship team's payment, it is a paltry amount in comparison to the sums FIFA awarded to participating men's teams at the 2014 WC, and

Whereas, FIFA paid each men's team \$1.5 million for appearing in the WC, and

Whereas, FIFA awarded those men's teams that lost in the first round a payment of \$8 million, four times the amount granted to the championship U.S. women's team, and

Whereas, most appalling, the 2014 FIFA men's championship team from Germany earned \$35 million for that nation's soccer federation, in excess of 1,700 percent of the amount that the 2015 FIFA women's championship team from the United States brought home, and

Whereas, at a time when ever-increasing importance is placed on equal compensation, regardless of gender, the discrepancy in pay awarded to men's WC and women's WWC teams is indefensible, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges FIFA to institute equal payment plans for men's and women's World Cup soccer teams, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to FIFA in Zurich, Switzerland and to the U.S. Soccer Federation in Chicago, Illinois.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Economic Development, Housing and General Affairs.

Senate Bill Recommitted

S. 124.

Senate bill entitled:

An act relating to expanding the scope of practice of Level II certified law enforcement officers.

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator White, the bill was recommitted to the Committee on Government Operations.

Committee Relieved of Further Consideration; Constitutional Proposal Committed

On motion of Senator Sears, the Committee on Judiciary was relieved of further consideration of Constitutional Proposal entitled:

Proposal 1

Declaration of rights; right to privacy,

and the Proposal was committed to the Committee on Government Operations.

Third Reading Ordered**S. 94.**

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

An act relating to appointing municipal clerks and treasurers.

Reported that the bill ought to pass.

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

Recess

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

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. 30. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at three o'clock and 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 8, 2016

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Paul Chandler of East Hardwick.

Message from the House No. 2

A message was received from the House of Representatives by Mr. Jeremy Weiss, 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. 31. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

J.R.S. 32. Joint resolution relating to Town Meeting adjournment.

And has adopted the same in concurrence.

Message from the House No. 3

A message was received from the House of Representatives by Mr. Jeremy Weiss, 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. 184. House concurrent resolution recognizing January 7, 2016, as Homelessness Awareness Day at the State House.

H.C.R. 185. House concurrent resolution congratulating the Lamoille Union High School Lancers 2015 Division II championship baseball team.

H.C.R. 186. House concurrent resolution honoring former Representative Robert Walsh of South Burlington for his advocacy and public service on behalf of the Vermont Veterans' Memorial Cemetery.

H.C.R. 187. House concurrent resolution congratulating Marion Brown Thorpe, University of Vermont Professor Emerita, on her 100th birthday.

H.C.R. 188. House concurrent resolution congratulating Alayna Westcom of Bakersfield on being named Miss Vermont 2015.

H.C.R. 189. House concurrent resolution honoring former Fletcher Town Clerk and Treasurer Elaine Sweet.

H.C.R. 190. House concurrent resolution in memory of extraordinary Vermont pianist and cultural treasure John Cassel of East Fairfield.

H.C.R. 191. House concurrent resolution congratulating the 2015 U.S. Women's World Cup championship soccer team.

H.C.R. 192. House concurrent resolution congratulating Mary V. and Paul H. Hughes of Rutland on their 75th wedding anniversary.

H.C.R. 193. House concurrent resolution congratulating the National Park Service on its centennial anniversary and celebrating its outstanding conservation, preservation, and recreational activities in Vermont.

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. 25. Senate concurrent resolution congratulating the Central Vermont Humane Society on its 50th anniversary.

S.C.R. 26. Senate concurrent resolution congratulating the Green Mountain Foster Grandparent Program on its 50th anniversary.

S.C.R. 27. Senate concurrent resolution honoring Dr. David Toll of St. Johnsbury for his exemplary dedication to the practice of pediatric medicine.

And has adopted the same in concurrence.

Bill Passed

S. 94.

Senate bill of the following title was read the third time and passed:

An act relating to appointing municipal clerks and treasurers.

Committee Relieved of Further Consideration; Bill Committed

S. 230.

On motion of Senator Ashe, the Committee on Finance was relieved of further consideration of Senate bill entitled:

An act relating to improving the siting of energy projects,

and the bill was committed to the Committee on Natural Resources and Energy.

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 Senators Doyle, Cummings and Pollina,

S.C.R. 25.

Senate concurrent resolution congratulating the Central Vermont Humane Society on its 50th anniversary.

By Senators Collamore, Flory and Mullin,

By Representative Burditt and others,

S.C.R. 26.

Senate concurrent resolution congratulating the Green Mountain Foster Grandparent Program on its 50th anniversary.

By Senators Kitchel and Benning,

By Representative Toll and others,

S.C.R. 27.

Senate concurrent resolution honoring Dr. David Toll of St. Johnsbury for his exemplary dedication to the practice of pediatric medicine.

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 Head and Krowinski,

H.C.R. 184.

House concurrent resolution recognizing January 7, 2016, as Homelessness Awareness Day at the State House.

By Representative Juskiewicz and others,

By Senator Westman,

H.C.R. 185.

House concurrent resolution congratulating the Lamoille Union High School Lancers 2015 Division II championship baseball team.

By the Committee on General, Housing and Military Affairs,

H.C.R. 186.

House concurrent resolution honoring former Representative Robert Walsh of South Burlington for his advocacy and public service on behalf of the Vermont Veterans' Memorial Cemetery.

By Representative Townsend,

H.C.R. 187.

House concurrent resolution congratulating Marion Brown Thorpe, University of Vermont Professor Emerita, on her 100th birthday.

By Representative Connor,

H.C.R. 188.

House concurrent resolution congratulating Alayna Westcom of Bakersfield on being named Miss Vermont 2015.

By Representative Connor,

H.C.R. 189.

House concurrent resolution honoring former Fletcher Town Clerk and Treasurer Elaine Sweet.

By Representative Connor,

H.C.R. 190.

House concurrent resolution in memory of extraordinary Vermont pianist and cultural treasure John Cassel of East Fairfield.

By Representatives Jewett and Copeland-Hanzas,

H.C.R. 191.

House concurrent resolution congratulating the 2015 U.S. Women's World Cup championship soccer team.

By Representative Carr,

H.C.R. 192.

House concurrent resolution congratulating Mary V. and Paul H. Hughes of Rutland on their 75th wedding anniversary.

By All Members of the House,

By All Members of the Senate,

H.C.R. 193.

House concurrent resolution congratulating the National Park Service on its centennial anniversary and celebrating its outstanding conservation, preservation, and recreational activities in Vermont.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 12, 2016, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 33.

TUESDAY, JANUARY 12, 2016

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Dwight Baker of Northfield.

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. 34. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 15, 2016, it be to meet again no later than Tuesday, January 19, 2016.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 13, 2016.

WEDNESDAY, JANUARY 13, 2016

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.

Bill Amended; Third Reading Ordered**S. 155.**

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

An act relating to privacy protection.

Reported recommending that the bill be amended as follows:

First: By striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 18 V.S.A. chapter 42B is added to read:

CHAPTER 42B. HEALTH CARE PRIVACY

§ 1881. DISCLOSURE OF PROTECTED HEALTH INFORMATION PROHIBITED

(a) As used in this section:

(1) “Covered entity” shall have the same meaning as in 45 C.F.R. § 160.103.

(2) “Protected health information” shall have the same meaning as in 45 C.F.R. § 160.103.

(b) A covered entity shall not disclose protected health information unless the disclosure is permitted under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Second: In Sec. 2, in 20 V.S.A. § 4622, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Except as provided in subsection (b) of this section, a law enforcement agency shall not use a drone or information acquired through the use of a drone for the purpose of investigating, detecting, or prosecuting crime.

Third: In Sec. 2, in 20 V.S.A. § 4624, by striking out § 4624 in its entirety and inserting in lieu thereof a new § 4624 to read as follows:

§ 4624. NONLAW ENFORCEMENT USE OF DRONES

(a) Any use of drones by any person other than a law enforcement agency shall comply with all applicable Federal Aviation Administration requirements and guidelines.

(b) It is the intent of the General Assembly that any person who uses a model aircraft as defined in the Federal Aviation Administration Modernization and Reform Act of 2012 shall operate the aircraft according to the guidelines of community-based organizations such as the Academy of Model Aeronautics National Model Aircraft Safety Code.

Fourth: By inserting a new section to be numbered Sec. 4 to read as follows:

Sec. 4. REPORT; AGENCY OF TRANSPORTATION AVIATION PROGRAM

On or before December 15, 2016, the Aviation Program within the Agency of Transportation shall report to the Senate and House Committees on Judiciary any recommendations or proposals it determines are necessary for the regulation of drones pursuant to 20 V.S.A. § 4624.

Fifth: By inserting a new section to be numbered Sec. 5 to read as follows:

* * * Vermont Electronic Communication Privacy Act * * *

Sec. 5. 13 V.S.A. chapter 232 is added to read:

CHAPTER 232. VERMONT ELECTRONIC COMMUNICATION
PRIVACY ACT

§ 8101. DEFINITIONS

As used in this chapter:

(1) “Adverse result” means:

(A) danger to the life or physical safety of an individual;

(B) flight from prosecution;

(C) destruction of or tampering with evidence;

(D) intimidation of potential witnesses; or

(E) serious jeopardy to an investigation or undue delay of a trial.

(2) “Authorized possessor” means the possessor of an electronic device when that person is the owner of the device or has been authorized to possess the device by the owner of the device.

(3) “Electronic communication” means the transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature in whole or in part by a wire, a radio, electromagnetic, photoelectric, or photo-optical system.

(4) “Electronic communication service” means a service that provides to its subscribers or users the ability to send or receive electronic communications, including a service that acts as an intermediary in the transmission of electronic communications, or stores protected user information.

(5) “Electronic device” means a device that stores, generates, or transmits information in electronic form.

(6) “Government entity” means a department or agency of the State or a political subdivision thereof, or an individual acting for or on behalf of the State or a political subdivision thereof.

(7) “Law enforcement officer” means:

(A) a law enforcement officer certified at Level II or Level III pursuant to 20 V.S.A. § 2358;

(B) the Attorney General;

(C) an assistant attorney general;

(D) a State’s Attorney; or

(E) a deputy State’s attorney

(8) “Lawful user” means a person or entity who lawfully subscribes to or uses an electronic communication service, whether or not a fee is charged.

(9) “Protected user information” means electronic communication content, including the subject line of e-mails, cellular tower-based location data, GPS or GPS-derived location data, the contents of files entrusted by a user to an electronic communication service pursuant to a contractual relationship for the storage of the files whether or not a fee is charged, and data memorializing the content of information accessed or viewed by a user.

(10) “Service provider” means a person or entity offering an electronic communication service.

(11) “Specific consent” means consent provided directly to the government entity seeking information, including when the government entity is the addressee or intended recipient or a member of the intended audience of an electronic communication. Specific consent does not require that the originator of a communication have actual knowledge that an addressee, intended recipient, or member of the specific audience is a government entity.

(12) “Subscriber information” means the name, names of additional account users, account number, billing address, physical address, e-mail address, telephone number, payment method, record of services used, record of duration of service provided, and I.P. address kept by a service provider regarding a user or account.

§ 8102. LIMITATIONS ON COMPELLED PRODUCTION OF ELECTRONIC INFORMATION

(a) Except as provided in this section, a law enforcement officer shall not compel the production of or access to protected user information from a service provider.

(b) A law enforcement officer may compel the production of or access to protected user information from a service provider:

(1) pursuant to a warrant;

(2) pursuant to an existing, judicially recognized exception to the warrant requirement;

(3) with the specific consent of a lawful user of the electronic communication service;

(4) if a law enforcement officer, in good faith, believes that an emergency involving danger of death or serious bodily injury to any person requires access to the electronic device information without delay; or

(5) except where prohibited by State or federal law, if the device is seized from an inmate’s possession or found in an area of a correctional facility, jail, or lock-up under the jurisdiction of the Department of Corrections, a sheriff, or a court to which inmates have access and the device is not in the possession of an individual and the device is not known or believed to be the possession of an authorized visitor.

(c) A law enforcement officer may compel the production of or access to information kept by a service provider other than protected user information:

(1) pursuant to a subpoena issued by a judicial officer, who shall issue the subpoena upon a finding that:

(A) there is reasonable cause to believe that an offense has been committed; and

(B) the information sought is relevant to the offense or appears reasonably calculated to lead to discovery of evidence of the alleged offense;

(2) pursuant to a subpoena issued by a grand jury;

(3) pursuant to a court order issued by a judicial officer upon a finding that the information sought is reasonably related to a pending investigation or pending case; or

(4) for any of the reasons listed in subdivisions (b)(2)–(4) of this section.

(d) A warrant issued for protected user information shall comply with the following requirements:

(1) The warrant shall describe with particularity the information to be seized by specifying the time periods covered and, as appropriate and reasonable, the target individuals or accounts, the applications or services covered, and the types of information sought.

(2)(A) The warrant shall require that any information obtained through execution of the warrant that is unrelated to the warrant’s objective not be subject to further review, use, or disclosure without a court order.

(B) A court shall issue an order for review, use, or disclosure of information obtained pursuant to subdivision (A) of this subdivision (2) if it finds there is probable cause to believe that:

(i) the information is relevant to an active investigation;

(ii) the information constitutes evidence of a criminal offense; or

(iii) review, use, or disclosure of the information is required by State or federal law.

(e) A warrant or subpoena directed to a service provider shall be accompanied by an order requiring the service provider to verify the authenticity of electronic information that it produces by providing an affidavit that complies with the requirements of Rule 902(11) or 902(12) of the Vermont Rules of Evidence.

(f) A service provider may voluntarily disclose information other than protected user information when that disclosure is not otherwise prohibited by State or federal law.

(g) If a law enforcement officer receives information voluntarily provided pursuant to subsection (f) of this section, the officer shall destroy the information within 90 days unless any of the following circumstances apply:

(1) A law enforcement officer has or obtains the specific consent of the sender or recipient of the electronic communications about which information was disclosed.

(2) A law enforcement officer obtains a court order authorizing the retention of the information. A court shall issue a retention order upon a finding that the conditions justifying the initial voluntary disclosure persist. The order shall authorize the retention of the information only for as long as:

(A) the conditions justifying the initial voluntary disclosure persist; or

(B) there is probable cause to believe that the information constitutes evidence of the commission of a crime.

(3) A law enforcement officer reasonably believes that the information relates to an investigation into child exploitation and the information is retained as part of a multiagency database used in the investigation of similar offenses and related crimes.

(h) If a law enforcement officer obtains electronic information without a warrant under subdivision (b)(4) of this section because of an emergency involving danger of death or serious bodily injury to a person that requires access to the electronic information without delay, the officer shall, within five days after obtaining the information, apply for a warrant or order authorizing obtaining the electronic information or a motion seeking approval of the emergency disclosures. The application or motion shall set forth the facts giving rise to the emergency and shall, if applicable, include a request supported by a sworn affidavit for an order delaying notification under subdivision 8103(b)(1) of this section. The court shall promptly rule on the application or motion. If the court finds that the facts did not give rise to an emergency or denies the motion or application on any other ground, the court shall order the immediate destruction of all information obtained, and immediate notification pursuant to subsection 8103(a) if this title if it has not already been provided.

(i) This section does not limit the existing authority of a law enforcement officer to use legal process to do any of the following:

(1) require an originator, addressee, or intended recipient of an electronic communication to disclose any protected user information associated with that communication;

(2) require an entity that provides electronic communications services to its officers, directors, employees, or agents for the purpose of carrying out their duties to disclose protected user information associated with an electronic communication to or from an officer, director, employee, or agent of the entity; or

(3) require a service provider to provide subscriber information.

(j) A service provider shall not be subject to civil or criminal liability for producing or providing access to information in good faith reliance on the provisions of this section. This subsection shall not apply to gross negligence, recklessness, or intentional misconduct by the service provider.

§ 8103. NOTICE TO USER OR SUBSCRIBER

(a) Except as otherwise provided in this section, a law enforcement officer who executes a warrant or obtains electronic information in an emergency pursuant to subdivision 8102(b)(4) of this section shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective, the identified targets of the warrant or emergency request a notice that informs the recipient that information about the recipient has been compelled or requested, and, if there was an emergency request, states with reasonable specificity the nature of the government action relative to which the information is sought. The notice shall include a copy of the warrant if a warrant was obtained. The notice shall be served, mailed, or delivered by reliable electronic means contemporaneously with the execution of the warrant, or, in the case of an emergency, within three days after obtaining the electronic information.

(b)(1) When a warrant is sought or electronic information is obtained in an emergency under subdivision 8102(b)(4) of this title, the law enforcement officer may submit a request supported by a sworn affidavit for an order delaying the notification required by subsection (a) of this section and prohibiting any party providing information from notifying any other party that information has been sought. The court shall issue the order if it determines that there is reason to believe that notification may have an adverse result. The delay shall not exceed the period of time for which the court finds there is reason to believe that the notification may have the adverse result, and in no event shall the delay exceed 90 days.

(2) The court may grant additional extensions of the delay for periods of up to 90 days each on the same grounds as provided for in subdivision (1) of this subsection.

(3) When the delayed notification period expires, a law enforcement officer shall serve upon, or deliver to by registered or first-class mail, electronic mail, or reliable electronic means the order for delayed notification, the identified targets of the warrant:

(A) a document that includes the information described in subsection (a) of this section; and

(B) a copy of all electronic information obtained or a summary of that information, including, at a minimum:

(i) the number and types of records disclosed;

(ii) the date and time when the earliest and latest records were created; and

(iii) a copy of the motion seeking delayed notification.

(c) If there is no identified target of a warrant or emergency request at the time of its issuance, the government entity shall submit to the Department of Public Safety within three days of the execution of the warrant or issuance of the request all of the information required by subsection (a) of this section. If an order delaying notice is issued pursuant to subsection (b) of this section, the law enforcement officer shall submit to the Department upon the expiration of the delayed notification period all of the information required in subdivision (b)(3) of this section. The Department shall publish all reports required by this subsection on its Internet website within 90 days of receipt. The Department shall redact names and other identifying information from the reports.

(d) Except as otherwise provided in this section, nothing in this chapter shall prohibit or limit a service provider or any other party from disclosing information about any request or demand for electronic information.

(e) For purposes of this chapter, a warrant served upon a service provider is deemed to have been executed no later than five days after the information or data compelled by the warrant has been produced by the service provider to a law enforcement officer.

§ 8104. EXCLUSIVE REMEDIES FOR A VIOLATION OF THIS CHAPTER

(a) A defendant in a trial, hearing, or proceeding may move to suppress electronic information obtained or retained in violation of the U.S. Constitution, the Vermont Constitution, or this chapter.

(b) A defendant in a trial, hearing, or proceeding shall not move to suppress electronic information on the ground that Vermont lacks personal jurisdiction over a service provider, or on the ground that the constitutional or statutory privacy rights of an individual other than the defendant were violated.

(c) A service provider who receives a subpoena issued pursuant to this chapter may file a motion to quash the subpoena. The motion shall be filed in the court that issued the subpoena before the expiration of the time period for production of the information. The court shall hear and decide the motion as soon as practicable. Consent to additional time to comply with process under section 806 of this title does not extend the date by which a service provider shall seek relief under this subsection.

§ 8105. EXECUTION OF WARRANT FOR INFORMATION KEPT BY SERVICE PROVIDER

A warrant issued under this chapter may be addressed to any Vermont law enforcement officer. The officer shall serve the warrant upon the service

provider, the service provider's registered agent, or, if the service provider has no registered agent in the State, upon the Office of Secretary of State in accordance with 12 V.S.A. §§ 851–858. If the service provider consents, the warrant may be served via U.S. mail, courier service, express delivery service, facsimile, electronic mail, an Internet-based portal maintained by the service provider, or other reliable electronic means. The physical presence of the law enforcement officer at the place of service or at the service provider's repository of data shall not be required.

§ 8106. SERVICE PROVIDER'S RESPONSE TO WARRANT

The service provider shall produce the items listed in the warrant within 20 days in a manner and format that permits them to be searched by the law enforcement officer. The court may, for good cause shown, shorten or lengthen the 20-day deadline. This section shall not be construed to limit the authority of a law enforcement officer under existing law to search personally for and locate items or data on the premises of a Vermont service provider.

§ 8107. CRIMINAL PROCESS ISSUED BY VERMONT COURT; RECIPROCITY

(a) Criminal process, including subpoenas, search warrants, and other court orders issued pursuant to this chapter, may be served and executed upon any service provider within or outside the State, provided the service provider has contact with Vermont sufficient to support personal jurisdiction over it by this State. Notwithstanding any other provision in this chapter, only a service provider may challenge legal process, or the admissibility of evidence obtained pursuant to it, on the ground that Vermont lacks personal jurisdiction over it.

(b) This section shall not be construed to limit the authority of a court to issue criminal process under any other provision of law.

(c) A service provider incorporated, domiciled, or with a principal place of business in Vermont that has been properly served with criminal process issued by a court of competent jurisdiction in another state, commonwealth, territory, or political subdivision thereof shall comply with the legal process as though it had been issued by a court of competent jurisdiction in this State.

§ 8108. REAL TIME INTERCEPTION OF INFORMATION PROHIBITED

A law enforcement officer shall not use a device which via radio or other electromagnetic wireless signal intercepts in real time from a user's device a transmission of communication content, real time cellular tower-derived location information, or real time GPS-derived location information, except for

purposes of locating and apprehending a fugitive for whom an arrest warrant has been issued. This section shall not be construed to prevent a law enforcement officer from obtaining information from an electronic communication service as otherwise permitted by law.

Sixth: By striking out Sec. 6 in its entirety and inserting in lieu thereof the following:

Sec. 8. EFFECTIVE DATE

This act shall take effect on October 1, 2016.

And by renumbering the remaining sections to be numerically correct.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be amended as recommended by the Committee on Judiciary?, Senator Ashe moved to amend the recommendation of the Committee on Judiciary by striking out the *sixth* recommendation of amendment in its entirety and inserting in lieu thereof a new *sixth* recommendation of amendment to read as follows:

Sixth: By striking out Sec. 6 in its entirety and inserting in lieu thereof the following:

Sec. 8. EFFECTIVE DATES

(a) Secs. 6, 7, and this section shall take effect on July 1, 2016.

(b) Secs. 1, 2, 3, 4, and 5 shall take effect on October 1, 2016.

And by renumbering the remaining sections to be numerically correct.

Which was agreed to.

Thereupon, the recommendation of amendment of the Committee on Judiciary, as amended, was agreed to, and third reading of the bill was ordered on a roll call, Yeas 28, Nays 0.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Bray, Campion, Collamore, Cummings, Degree, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: None.

Those Senators absent or not voting were: Campbell (presiding), McAllister (suspended).

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, January 14, 2016.

THURSDAY, JANUARY 14, 2016

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

A moment of silence was observed in lieu of devotions.

Message from the House No. 4

A message was received from the House of Representatives by Mr. Jeremy Weiss, 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. 34. Joint resolution relating to weekend resolution.

And has adopted the same in concurrence.

Bill Referred to Committee on Finance

S. 233.

Senate bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to amending Act 46.

Joint Resolution Referred

J.R.S. 35.

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

By Senators Sears, Ashe, Flory, Lyons, and Snelling,

J.R.S. 35. Joint resolution urging Vermont's participation in the Stepping Up initiative to reduce the number of incarcerated Vermonters with a mental illness.

Whereas, the Department of Corrections (DOC), in accordance with its Vermont System of Care Plan, uses the term “serious functional impairment” (SFI) to include inmates who have a serious mental illness, and

Whereas, the services that inmates with an SFI designation require from the DOC are greater than those of other inmates, and

Whereas, inmates with an SFI designation may remain in correctional facilities longer and exhibit higher recidivism rates than other inmates, and

Whereas, upon release, inmates that had an SFI designation may need specialized mental health care services, and

Whereas, aside from those inmates with an SFI designation, the DOC reports that approximately 40 percent of the male inmate population and 80 percent of the female inmate population have been treated for a diagnosed mental illness, and

Whereas, these other inmates place an extra service demand on Vermont’s correctional and mental health systems, even though diagnosticians would not necessarily characterize these inmates’ mental illness as serious, and

Whereas, the National Association of Counties, the Council of State Governments Justice Center, and the American Psychiatric Foundation have developed a national initiative called Stepping Up to reduce the number of incarcerated persons who have a mental illness, and

Whereas, the Stepping Up initiative encourages a collaborative and data-driven approach to reducing safely the number of inmates who have a mental illness, and this project merits the State of Vermont’s participation, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly urges the Department of Corrections, in partnership with the Department of Mental Health, to participate in the Stepping Up initiative, including:

1) reviewing State policies that can support Stepping Up, including investments in mental health and corrections that can advance local collaborative efforts;

2) facilitating connections to health care and community-based treatment services;

3) sharing lessons learned and promising practices throughout the Vermont correctional and mental health care systems; and

4) incorporating the goals of Stepping Up into the objectives of existing correctional and mental health planning and programs, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Corrections and the Commissioner of Mental Health.

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

Bill Passed

S. 155.

Senate bill of the following title was read the third time and passed:

An act relating to privacy protection.

Adjournment

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

FRIDAY, JANUARY 15, 2016

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

A moment of silence was observed in lieu of devotions.

Message from the House No. 5

A message was received from the House of Representatives by Mr. Jeremy Weiss, 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. 194. House concurrent resolution designating January 8, 2016 as Martin St. Louis Day.

H.C.R. 195. House concurrent resolution in memory of former Representative William N. Aswad of Burlington.

H.C.R. 196. House concurrent resolution congratulating the 2015 Otter Valley Union High School Otters' Division II championship field hockey team.

H.C.R. 197. House concurrent resolution congratulating the 2015 Otter Valley Union High School Division III championship football team.

H.C.R. 198. House concurrent resolution designating January as National Mentoring Month.

H.C.R. 199. House concurrent resolution congratulating the 2015 Milton High School Yellowjackets Division II girls' soccer championship team.

H.C.R. 200. House concurrent resolution designating January 2016 as School Board Recognition Month in Vermont.

H.C.R. 201. House concurrent resolution honoring former Commissioner of Finance and Management James B. Reardon on his exemplary public service on behalf of the State of Vermont.

H.C.R. 202. House concurrent resolution commemorating the 50th anniversary of the trail system and the 20th anniversary of the museum at Mount Independence.

H.C.R. 203. House concurrent resolution honoring George Schenk of Warren for his contribution to Vermont's food and business communities.

H.C.R. 204. House concurrent resolution congratulating the 2015 Essex High School State club championship boys' volleyball team.

H.C.R. 205. House concurrent resolution congratulating the 2015 U-32 High School Raiders Division II championship boys' soccer team.

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. 28. Senate concurrent resolution congratulating Wesley E. Ward of Danville on his being named the 2015 Northeast Kingdom Chamber of Commerce's Citizen of the Year.

S.C.R. 29. Senate concurrent resolution in memory of Shelburne civic and community leader Thomas Trefley Bessette.

S.C.R. 30. Senate concurrent resolution in memory of Louise Bristol Ransom.

S.C.R. 31. Senate concurrent resolution in memory of Huntington H. Blair of Montpelier.

S.C.R. 32. Senate concurrent resolution congratulating the 2015 Harwood Union High School Highlanders girls' cross-country team on winning its seventh consecutive Division II championship.

S.C.R. 33. Senate concurrent resolution congratulating Susan Koch on her selection as the 2016 Vermont Teacher of the Year.

And has adopted the same in concurrence.

Rules Suspended; Bill Not Referred to Committee Appropriations

S. 233

Appearing on the Calendar for notice, and, pending referral of the bill to the Committee on Appropriations pursuant to Senate Rule 31, Senator Kitchel moved that the rules be suspended and the Senate bill entitled:

An act relating to amending Act 46.

Not be referred to the Committee on Appropriations pursuant to Senate Rule 31 (and thereby remain on the Calendar for notice),

Which was agreed to.

**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:

Kainen, Michael R. of White River Junction - Superior Judge, - from January 12, 2016, to March 31, 2017.

To the Committee on Judiciary.

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 Senators Kitchel and Benning,
By Representative Toll and others,

S.C.R. 28.

Senate concurrent resolution congratulating Wesley E. Ward of Danville on his being named the 2015 Northeast Kingdom Chamber of Commerce's Citizen of the Year.

By Senators Lyons, Ashe, Baruth, Mazza, Sirotkin, Snelling and Zuckerman,
By Representatives Webb and Lenex,

S.C.R. 29.

Senate concurrent resolution in memory of Shelburne civic and community leader Thomas Trefley Bessette.

By Senators Lyons, Ashe, Baruth, Sirotkin, Snelling and Zuckerman,
By Representative Lenex and others,

S.C.R. 30.

Senate concurrent resolution in memory of Louise Bristol Ransom.

By Senators Kitchel, Ayer, Collamore, Lyons, McCormack and Pollina,

S.C.R. 31.

Senate concurrent resolution in memory of Huntington H. Blair of Montpelier.

By Senators Doyle, Cummings and Pollina,
By Representative Grad and others,

S.C.R. 32.

Senate concurrent resolution congratulating the 2015 Harwood Union High School Highlanders girls' cross-country team on winning its seventh consecutive Division II championship.

By Senators Doyle, Cummings and Pollina,
By Representatives Hooper and Kitzmiller,

S.C.R. 33.

Senate concurrent resolution congratulating Susan Koch on her selection as the 2016 Vermont Teacher of the Year.

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 Krebs and others,

H.C.R. 194.

House concurrent resolution designating January 8, 2016 as Martin St. Louis Day.

By All Members of the House,

H.C.R. 195.

House concurrent resolution in memory of former Representative William N. Aswad of Burlington.

By Representatives Shaw and Carr,

By Senators Collamore, Flory and Mullin,

H.C.R. 196.

House concurrent resolution congratulating the 2015 Otter Valley Union High School Otters' Division II championship field hockey team.

By Representatives Shaw and Carr,

By Senators Collamore, Flory and Mullin,

H.C.R. 197.

House concurrent resolution congratulating the 2015 Otter Valley Union High School Division III championship football team.

By Representative Dakin and others,

By Senators Bray and Nitka,

H.C.R. 198.

House concurrent resolution designating January as National Mentoring Month.

By Representative Turner and others,

H.C.R. 199.

House concurrent resolution congratulating the 2015 Milton High School Yellowjackets Division II girls' soccer championship team.

By Representative Long and others,

H.C.R. 200.

House concurrent resolution designating January 2016 as School Board Recognition Month in Vermont.

By All Members of the House,

By All Members of the Senate,

H.C.R. 201.

House concurrent resolution honoring former Commissioner of Finance and Management James B. Reardon on his exemplary public service on behalf of the State of Vermont.

By Representative Devereux and others,

H.C.R. 202.

House concurrent resolution commemorating the 50th anniversary of the trail system and the 20th anniversary of the museum at Mount Independence.

By Representative Greshin and others,

H.C.R. 203.

House concurrent resolution honoring George Schenk of Warren for his contribution to Vermont's food and business communities.

By Representative Myers and others,

H.C.R. 204.

House concurrent resolution congratulating the 2015 Essex High School State club championship boys' volleyball team.

By Representative Klein and others,

By Senators Doyle, Cummings and Pollina,

H.C.R. 205.

House concurrent resolution congratulating the 2015 U-32 High School Raiders Division II championship boys' soccer team.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, January 19, 2016, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 34.

TUESDAY, JANUARY 19, 2016

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Michael Caldwell of North Wolcott.

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. 36. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 22, 2016, it be to meet again no later than Tuesday, January 26, 2016.

Third Reading Ordered**S. 233.**

Senator Zuckerman, for the Committee on Education, to which was referred Senate bill entitled:

An act relating to amending Act 46.

Reported that the bill ought to pass.

Senator Ashe, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass.

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

Third Reading Ordered**H. 363.**

Senator MacDonald, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to the Petroleum Cleanup Fund.

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.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 20, 2016.

WEDNESDAY, JANUARY 20, 2016

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Rabbi Tobie Weisman of Montpelier.

Bill Passed; Rules Suspended; Bill Messaged to House Forthwith

S. 233.

Senate bill entitled:

An act relating to amending Act 46.

Was taken up.

Thereupon, the bill was read the third time and passed in concurrence on a roll call, Yeas 28, Nays 1.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Bray, Campbell, Campion, Collamore, Cummings, Doyle, *Flory, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

The Senator who voted in the negative was: *Degree.

The Senator absent and not voting was: McAllister (suspended).

*Senator Flory explained her vote as follows:

I had very mixed views on how to vote on this bill.

I was prepared to vote NO because many schools in my District worked very hard to stay within the caps and with repeal, their work is unrewarded.

However, in light of the fact that schools were given incorrect data for when penalties would occur, I vote yes, to repeal the caps.

*Senator Degree explained his vote as follows:

Voters were clear in 2014 that at the top their list of things for us to do in the coming biennium was to slow the growth of education spending immediately. Repeal of these thresholds without meaningful replacement does the exact opposite.

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

Bill Passed in Concurrence

H. 363.

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

An act relating to the Petroleum Cleanup Fund.

Message from the House No. 6

A message was received from the House of Representatives by Mr. Jeremy Weiss, 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. 36. 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 and forty-five minutes in the afternoon on Thursday, January 21, 2016.

THURSDAY, JANUARY 21, 2016

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

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. 31. 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 two o'clock and forty-four minutes in the afternoon, the President assumed the Chair.

Committee Relieved of Further Consideration; Bill Committed**S. 205.**

On motion of Senator Ashe, the Committee on Finance was relieved of further consideration of Senate bill entitled:

An act relating to renewable energy development and protecting agricultural and forest soils,

and the bill was committed to the Committee on Agriculture.

Adjournment

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

FRIDAY, JANUARY 22, 2016

The Senate was called to order by the President.

Devotional Exercises

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

Message from the House No. 7

A message was received from the House of Representatives by Mr. Jeremy Weiss, 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. 65. An act relating to designating the Gilfeather turnip as the State Vegetable.

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

House Concurrent Resolution Committed

The following joint concurrent resolution having been placed on the consent calendar on the preceding legislative day, and Senator Sears having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, on motion of Senator Sears House Concurrent Resolution entitled:

H.C.R. 211. House concurrent resolution commemorating the 125th anniversary of the Bennington Battle Monument.

Was committed to the Committee on Judiciary.

Bill Referred

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

H. 65.

An act relating to designating the Gilfeather turnip as the State Vegetable.

To the Committee on Agriculture.

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 Fagan and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 206.

House concurrent resolution congratulating the 2015 Rutland High School Raiders Division I championship football team.

By Representative Davis and others,

By Senators Benning, Kitchel and MacDonald,

H.C.R. 207.

House concurrent resolution honoring Tracy Penfield and her pioneering therapeutic work at SafeArt.

By Representative Jewett and others,

H.C.R. 208.

House concurrent resolution congratulating Sophie Caldwell of Peru on her first World Cup skiing victory.

By Representative Dakin and others,

By Senator Mazza,

H.C.R. 209.

House concurrent resolution congratulating the Champlain Cable Corporation of Colchester on winning the 2014 Deane C. Davis Outstanding Business Award and on the corporation's 60th anniversary.

By Representative Devereux and others,

H.C.R. 210.

House concurrent resolution commemorating the 50th anniversary of the historic 1965 reapportionment of the Vermont General Assembly.

Message from the House No. 8

A message was received from the House of Representatives by Mr. Jeremy Weiss, 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. 206. House concurrent resolution congratulating the 2015 Rutland High School Raiders Division I championship football team.

H.C.R. 207. House concurrent resolution honoring Tracy Penfield and her pioneering therapeutic work at SafeArt.

H.C.R. 208. House concurrent resolution congratulating Sophie Caldwell of Peru on her first World Cup skiing victory.

H.C.R. 209. House concurrent resolution congratulating the Champlain Cable Corporation of Colchester on winning the 2014 Deane C. Davis Outstanding Business Award and on the corporation's 60th anniversary.

H.C.R. 210. House concurrent resolution commemorating the 50th anniversary of the historic 1965 reapportionment of the Vermont General Assembly.

H.C.R. 211. House concurrent resolution commemorating the 125th anniversary of the Bennington Battle Monument.

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

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 26, 2016, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 36.

TUESDAY, JANUARY 26, 2016

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Nancy McHugh of Waitsfield.

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. 37. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 29, 2016, it be to meet again no later than Tuesday, February 2, 2016.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 27, 2016.

WEDNESDAY, JANUARY 27, 2016

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 Janet K. Brown of Sheldon.

Message from the House No. 9

A message was received from the House of Representatives by Mr. Jeremy Weiss, 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. 399. An act relating to the Department for Children and Families' Registry Review Unit.

H. 524. An act relating to seeking a waiver to permit businesses to continue to purchase Exchange plans directly from insurers.

H. 538. An act relating to captive insurance companies.

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

The House has adopted joint resolution of the following title:

J.R.H. 18. Joint resolution expressing gratitude for the outstanding service of social workers employed at the Department for Children and Families.

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

Committee Relieved of Further Consideration; Bill Committed**S. 242.**

On motion of Senator Sears, the Committee on Judiciary was relieved of further consideration of Senate bill entitled:

An act relating to the service of civil process by a constable,
and the bill was committed to the Committee on Government Operations.

Joint Resolution Placed on Calendar**J.R.H. 18.**

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

Joint resolution expressing gratitude for the outstanding service of social workers employed at the Department for Children and Families.

Whereas, social work is a profession designed to help families and individuals navigate the crises or major changes in their lives, and

Whereas, social workers are trained to anticipate emotional and potentially sensitive situations among their clients, and

Whereas, social workers develop professional, yet undeniably personal, relationships with their clients, and

Whereas, the Department for Children and Families (DCF) employs social workers who are assigned to cases throughout Vermont and they are confronted with an ever-expanding caseload, while simultaneously encountering an increasingly confrontational environment of verbal and physical hostility, and

Whereas, the recent challenging difficulties in the working environment of these outstanding and hard-working State employees reached a tragic nadir on Friday, August 7, 2015, when veteran DCF social worker, Lara Sobel, was killed in the parking lot outside the City Center office building in Barre, and

Whereas, the news of Lara Sobel's tragic death shocked the sensibilities of Vermonters, and

Whereas, the Agency of Human Services is deeply aware of the increasing complexity and security threats of DCF social workers' caseloads, and

Whereas, threats to the physical safety of DCF social workers, in combination with increasingly large caseloads, hinders their ability to protect Vermont's children, and

Whereas, DCF social workers are essential to the well-being of many Vermont families and they deserve respect and to be treated with human decency, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses gratitude for the outstanding service of social workers employed at the Department for Children and Families, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Department for Children and Families Commissioner Ken Schatz.

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

Bills Referred

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

H. 399.

An act relating to the Department for Children and Families' Registry Review Unit.

To the Committee on Health and Welfare.

H. 524.

An act relating to seeking a waiver to permit businesses to continue to purchase Exchange plans directly from insurers.

To the Committee on Health and Welfare.

H. 538.

An act relating to captive insurance companies.

To the Committee on Finance.

Recess

On motion of Senator Baruth the Senate recessed until three o'clock in the afternoon.

Called to Order

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

Adjournment

On motion of Senator Degree, the Senate adjourned until one o'clock in the afternoon on Thursday, January 28, 2016.

THURSDAY, JANUARY 28, 2016

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

A moment of silence was observed in lieu of devotions.

Message from the House No. 10

A message was received from the House of Representatives by Mr. Jeremy Weiss, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

S. 233. An act relating to amending Act 46.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the Senate is requested.

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 37. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Recess

On motion of Senator Rodgers the Senate recessed until three o'clock in the afternoon.

Called to Order

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

Recess

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

Called to Order

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

Recess

On motion of Senator Mazza the Senate recessed until four o'clock and fifteen minutes in the afternoon.

Called to Order

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

Recess

On motion of Senator Mazza the Senate recessed until four o'clock and thirty minutes.

Called to Order

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

Message from the House No. 11

A message was received from the House of Representatives by Mr. Jeremy Weiss, 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. 505. An act relating to approval of amendments to the charter of the Village of North Bennington.

H. 611. An act relating to fiscal year 2016 budget adjustments.

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

Bills Referred

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

H. 505.

An act relating to approval of amendments to the charter of the Village of North Bennington.

To the Committee on Government Operations.

H. 611.

An act relating to fiscal year 2016 budget adjustments.

To the Committee on Appropriations.

Joint Resolution Adopted in Concurrence**J.R.H. 18.**

Joint House resolution entitled:

Joint resolution expressing gratitude for the outstanding service of social workers employed at the Department for Children and Families.

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

Rules Suspended; House Proposal of Amendment Concurred in With an Amendment; Rules Suspended; Bill Messaged

S. 233.

Pending entry on the Calendar for notice, on motion of Senator Cummings, the rules were suspended and House proposal of amendment to Senate bill entitled:

An act relating to amending Act 46.

Was taken up for immediate consideration.

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

Sec. 1. 2015 Acts and Resolves No. 46, Sec. 37 is amended to read:

Sec. 37. ALLOWABLE GROWTH IN EDUCATION SPENDING FOR FISCAL YEARS 2017 AND 2018

(a)(1) Notwithstanding any other provision of law, for fiscal year 2017 only, “excess spending” under 32 V.S.A. § 5401(12) shall be calculated as follows:

(A) For districts where the total amount of exclusions in 16 V.S.A. § 4001(6)(B) either stays the same or increases from the prior fiscal year to the current fiscal year, “excess spending” means the per-equalized-pupil amount of the district’s education spending, plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the district’s per-equalized-pupil amount of education spending in the prior fiscal year, plus the district’s allowable growth. As used in this subdivision, “education spending” means education spending as defined in 16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

(B) For districts where the total amount of exclusions in 16 V.S.A. § 4001(6)(B) decreases from the prior fiscal year to the current fiscal year, “excess spending” means the per-equalized-pupil amount of the district’s education spending, plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the district’s per-equalized-pupil amount of total education spending in the prior fiscal year, plus the district’s allowable growth. As used in this subdivision, “education spending” means education spending as defined in 16 V.S.A. § 4001(6) before the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

(2) Notwithstanding any other provision of law, for ~~fiscal years 2017 and 2018~~ fiscal year 2018 only, “excess spending” under 32 V.S.A. § 5401(12) means the per-equalized-pupil amount of the district’s education spending, as

defined in 16 V.S.A. § 4001(6), plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b), that is in excess of the district's per-equalized-pupil amount of education spending in the prior fiscal year, plus the district's allowable growth. As used in this subdivision, "education spending" means education spending as defined in 16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

* * *

(c) Notwithstanding any other provision of law, for fiscal year 2017 only:

(1) The allowable growth percentage calculated in subsection (b) of this section shall be increased by adding 0.9 percentage points to the allowable growth percentage for each district.

(2) The education property tax spending adjustment under 32 V.S.A. § 5401(13)(A) and the education income tax spending adjustment under 32 V.S.A. § 5401(13)(B) shall be calculated by using only 25 percent of the district's excess spending.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment? Senators Cummings and Campbell moved that the Senate concur in the House proposal of amendment with further proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2015 Acts and Resolves No. 46, Sec. 37 is amended to read:

Sec. 37. ALLOWABLE GROWTH IN EDUCATION SPENDING FOR FISCAL YEARS ~~2017 AND 2018~~ YEAR 2017

(a) ~~Notwithstanding any other provision of law, for fiscal years 2017 and 2018~~ Notwithstanding any other provision of law, for fiscal year 2017 only, "excess spending" under 32 V.S.A. § 5401(12) ~~means the per-equalized-pupil amount of the district's education spending, as defined in 16 V.S.A. § 4001(6), plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b), that is in excess of the district's per-equalized-pupil amount of education spending in the prior fiscal year, plus the district's allowable growth.~~ shall be calculated as follows:

(1) For districts where the total amount of exclusions in 16 V.S.A. § 4001(6)(B) either stays the same or increases from the prior fiscal year to the current fiscal year, "excess spending" means the per-equalized-pupil amount of

the district's education spending, plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the district's per-equalized-pupil amount of education spending in the prior fiscal year, plus the district's allowable growth. As used in this subdivision, "education spending" means education spending as defined in 16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

(2) For districts where the total amount of exclusions in 16 V.S.A. § 4001(6)(B) decreases from the prior fiscal year to the current fiscal year, "excess spending" means the per-equalized-pupil amount of the district's education spending, plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the district's per-equalized-pupil amount of total education spending in the prior fiscal year, plus the district's allowable growth. As used in this subdivision, "education spending" means education spending as defined in 16 V.S.A. § 4001(6) before the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

(b) For ~~fiscal years 2017 and 2018~~ fiscal year 2017 only, the "allowable growth" for any individual school district is an amount equal to the actual amount of per-equalized-pupil education spending in the district in the prior fiscal year, multiplied by the district's "allowable growth percentage." A district's "allowable growth percentage" means a percentage that results from the following equation: the highest per-equalized-pupil amount of the education spending in any district in the State in the prior fiscal year, divided by the actual amount of per-equalized-pupil education spending in the district in the prior fiscal year, minus one, multiplied by five and one-half percent. For the purpose of the calculations made under this subsection, the term "education spending" refers to education spending as used to calculate excess spending under 16 V.S.A. § 4001(6), including all the adjustments under 16 V.S.A. § 4001(6)(B).

(c) Notwithstanding any other provision of law, for fiscal year 2017 only:

(1) The allowable growth percentage calculated in subsection (b) of this section shall be increased by adding 0.9 percentage points to the allowable growth percentage for each district.

(2) The education property tax spending adjustment under 32 V.S.A. § 5401(13)(A) and the education income tax spending adjustment under 32 V.S.A. § 5401(13)(B) shall be calculated by using only 40 percent of the district's excess spending.

(3) Notwithstanding subdivision (c)(2) of this section, for any district where the actual per-equalized-pupil amount of education spending in fiscal year 2016 is below the statewide average per-equalized-pupil amount of education spending in fiscal year 2016, the education property tax spending

adjustment under 32 V.S.A. § 5401(13)(A) and the education income tax spending adjustment under 32 V.S.A. § 5401(13)(B) shall be calculated without any addition for excess spending. As used in this subdivision, “the statewide average per-equalized-pupil amount of education spending in fiscal year 2016” means the total statewide per-equalized-pupil amount of education spending in 2016 divided by the total number of equalized pupils. As used in this subdivision, “education spending” shall have the same meaning as in 16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

Sec. 2. REPEALS

2015 Acts and Resolves No. 46, Secs. 37, 38, and 52(k) are repealed on July 1, 2017, and shall not apply to fiscal year 2018 or after.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to.

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

Adjournment

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

FRIDAY, JANUARY 29, 2016

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

A moment of silence was observed in lieu of devotions.

Committee Relieved of Further Consideration; Bill Committed

S. 192.

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

An act relating to Medicaid rates for home- and community-based service providers,

and the bill was committed to the Committee on Finance.

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 Dakin and others,

By Senator Mazza,

H.C.R. 212.

House concurrent resolution congratulating the Town of Colchester on its selection as one of *Money Magazine's* Top 50 Best Places to Live in America.

By Representatives Buxton and Eastman,

H.C.R. 213.

House concurrent resolution commemorating the bicentennial anniversary of Independence Lodge #10 in Orwell.

By All Members of the House,

By Senators Ashe, Ayer, Balint, Baruth, Benning, Bray, Campbell, Champion, Collamore, Cummings, Degree, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White and Zuckerman,

H.C.R. 214.

House concurrent resolution commemorating the successful completion of the new Waterbury State Office Complex.

By Representative Pugh,

H.C.R. 215.

House concurrent resolution honoring Marion Paris for her 46-plus years of dedicated public service working with families and children.

By Representative Fagan and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 216.

House concurrent resolution congratulating Chloe Levins on her athletic achievements and extending best wishes in her forthcoming international competitions.

By Representative Devereux and others,
By Senators Campbell, McCormack and Nitka,

H.C.R. 217.

House concurrent resolution commemorating the 225th anniversary of Congress's admission of Vermont as our nation's 14th State.

By Representative Devereux and others,

H.C.R. 218.

House concurrent resolution commemorating the centennial anniversary of the U.S. government's 1916 deployment of the Vermont National Guard to the Mexican Expedition.

By Representatives Partridge and Trieber,

H.C.R. 219.

House concurrent resolution congratulating Jay Karpin on the French government's appointing him a Chevalier (Knight) of the Legion of Honor.

By Representative Devereux and others,

By Senators Sears and Champion,

H.C.R. 220.

House concurrent resolution commemorating the 125th anniversary of the Bennington Battle Monument.

By Representatives Partridge and Trieber,

H.C.R. 221.

House concurrent resolution honoring the outstanding municipal service of former Rockingham Town Clerk Doreen Aldrich.

By Representatives Partridge and Trieber,

H.C.R. 222.

House concurrent resolution honoring former Rockingham Zoning Administrator and Health Officer Ellen L. Howard for her outstanding public service.

By Representative Partridge and others,

H.C.R. 223.

House concurrent resolution congratulating Saxtons River Distillery on its 10th anniversary and the San Francisco World Spirits Competition's awarding the distillery a 2015 gold medal for its Perc Coffee Liqueur.

By Representative Donovan and others,

H.C.R. 224.

House concurrent resolution honoring the Vermont Senior Games Association for its encouragement of physical fitness for older Vermonters.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, February 2, 2016, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 37.

TUESDAY, FEBRUARY 2, 2016

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.

Message from the House No. 12

A message was received from the House of Representatives by Mr. Jeremy Weiss, 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. 212. House concurrent resolution congratulating the Town of Colchester on its selection as one of *Money Magazine's* Top 50 Best Places to Live in America.

H.C.R. 213. House concurrent resolution commemorating the bicentennial anniversary of Independence Lodge #10 in Orwell.