
THURSDAY, JUNE 9, 2016

The time for convening of the Senate set pursuant to Joint Senate resolution No. 56 having arrived 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. 81

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 Governor has informed the House that on April 12, 2016, he approved and signed bills originating in the House of the following titles:

H. 565. An act relating to United Methodist Church property.

H. 625. An act relating to extending the exemption from encumbrance on title of properties subject to a pretransition stormwater permit.

The Governor has informed the House that on April 13, 2016, he approved and signed a bill originating in the House of the following title:

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

The Governor has informed the House that on May 6, 2016, he approved and signed bills originating in the House of the following titles:

H. 183. An act relating to security in the Capitol Complex.

H. 249. An act relating to intermunicipal services.

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

The Governor has informed the House that on May 10, 2016, he approved and signed bills originating in the House of the following titles:

H. 112. An act relating to access to financial information in adult protective services investigations.

H. 399. An act relating to the Department for Children and Families' Registry Review Unit.

H. 529. An act relating to State aid for school construction repayment obligations.

H. 559. An act relating to an exemption from licensure for visiting team physicians.

H. 608. An act relating to solid waste management.

H. 677. An act relating to the Restitution Unit.

H. 765. An act relating to technical corrections.

H. 860. An act relating to on-farm livestock slaughter.

H. 861. An act relating to regulation of treated article pesticides.

H. 864. An act relating to agricultural exemption from Vermont's sales and use tax.

The Governor has informed the House that on May 12, 2016, he approved and signed bills originating in the House of the following titles:

H. 111. An act relating to the removal of grievance decisions from the Vermont Labor Relations Board's website.

H. 308. An act relating to limiting the liability of VAST arising from snowmobile operation outside the Statewide Snowmobile Trail System.

H. 610. An act relating to clarifying the Clean Water State Revolving Fund and Water Pollution Control Grant Programs.

H. 778. An act relating to State enforcement of the federal Food Safety Modernization Act.

H. 829. An act relating to water quality on small farms.

H. 854. An act relating to timber trespass.

The Governor has informed the House that on May 16, 2016, he approved and signed bills originating in the House of the following title:

H. 171. An act relating to restrictions on the use of electronic cigarettes.

The Governor has informed the House that on May 17, 2016, he approved and signed bills originating in the House of the following titles:

H. 74. An act relating to safety policies for employees delivering direct social or mental health services.

H. 519. An act relating to approval of the adoption and codification of the charter of the Town of Brandon.

H. 629. An act relating to a study committee to examine laws related to the administration and issuance of vital records.

H. 690. An act relating to the practice of acupuncture by health care professionals acting within their scope of practice.

H. 761. An act relating to cataloguing and aligning health care performance measures.

H. 812. An act relating to implementing an all-payer model and oversight of accountable care organizations.

H. 863. An act relating to making miscellaneous amendments to Vermont's retirement laws.

H. 871. An act relating to approval of amendments to the charter of the City of Montpelier.

H. 880. An act relating to approval of the adoption and codification of the charter of the Town of Bridport.

H. 881. An act relating to approval of the adoption and codification of the charter of the Town of Charlotte.

H. 882. An act relating to approval of amendments to the charter of the City of Burlington.

H. 883. An act relating to approval of amendments to the charter of the City of Winooski.

H. 884. An act relating to approval of amendments to the charter of the City of Barre.

H. 885. An act relating to approval of amendments to the charter of the Town of Shelburne.

H. 886. An act relating to approval of amendments to the charter of the Town of Brattleboro.

H. 887. An act relating to approval of amendments to the charter of the Village of Barton.

The Governor has informed the House that on May 20, 2016, he returned without signature and vetoed a bill originating in the House of the following title:

H. 518. An act relating to the membership of the Clean Water Fund Board.

The Governor provided the following explanation:

"I have reviewed H.518 and consulted with my Secretaries of Administration and Natural Resources. Both have raised concerns about this

measure and its potential negative effects on our efforts to ensure clean water statewide. In enacting the most comprehensive clean water legislation in Vermont's history last year, we took an important step towards cleaning up Vermont's lakes and waterways, which have been neglected for too long.

An important part of that is the Clean Water Board, which is responsible for taking public comment and steering funding to targeted projects that achieve the goals of the law. The makeup of that Board was a known and negotiated part of the overall bill that I signed. The Board was constituted to be an entity with the ability to act thoughtfully and expeditiously to move us towards cleaner water in Vermont. The Board has been in existence for less than a year, and I believe we should give it time to work before we contemplate making any changes. Therefore, I have decided to veto this bill."

The Governor has informed the House that on May 23, 2016, he approved and signed bills originating in the House of the following titles:

H. 130. An act relating to law enforcement, 911 call taking, dispatch, and training safety.

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

H. 620. An act relating to health insurance and Medicaid coverage for contraceptives.

H. 805. An act relating to employment rights for members of the National Guard and Reserve Components of the U.S. Armed Forces.

The Governor has informed the House that on May 24, 2016, he approved and signed bills originating in the House of the following titles:

H. 65. An act relating to designating the Gilfeather turnip as the State Vegetable.

H. 84. An act relating to consumer protection.

The Governor has informed the House that on May 25, 2016, he approved and signed bills originating in the House of the following titles:

H. 577. An act relating to voter approval of electricity purchases by municipalities and electric cooperatives.

H. 845. An act relating to legislative review of certain report requirements.

H. 853. An act relating to setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes.

H. 858. An act relating to miscellaneous criminal procedure amendments.

H. 873. An act relating to making miscellaneous tax changes.

The Governor has informed the House that on May 28, 2016, he approved and signed a bill originating in the House of the following title:

H. 570. An act relating to hunting, fishing, and trapping.

The Governor has informed the House that on May 31, 2016, he approved and signed bills originating in the House of the following titles:

H. 571. An act relating to driver's license suspensions and judicial, criminal justice, and insurance topics.

H. 859. An act relating to special education.

H. 872. An act relating to Executive Branch fees.

The Governor has informed the House that on June 1, 2016, he approved and signed bills originating in the House of the following titles:

H. 95. An act relating to jurisdiction over delinquency proceedings by the Family Division of the Superior Court.

H. 595. An act relating to potable water supplies from surface waters.

The Governor has informed the House that on June 2, 2016, he approved and signed bills originating in the House of the following titles:

H. 533. An act relating to victims' rights and animal welfare.

H. 562. An act relating to professions and occupations regulated by the Office of Professional Regulation and to the review of professional regulation.

H. 868. An act relating to miscellaneous economic development provisions.

H. 876. An act relating to the transportation capital program and miscellaneous changes to transportation-related law.

H. 877. An act relating to transportation funding.

H. 878. An act relating to capital construction and State bonding budget adjustment.

The Governor has informed the House that on June 6, 2016, he approved and signed bills originating in the House of the following titles:

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

H. 869. An act relating to judicial organization and operations.

The Governor has informed the House that on June 7, 2016, he approved and signed a bill originating in the House of the following title:

H. 857. An act relating to timber harvesting.

The Governor has informed the House that on June 8, 2016, he approved and signed a bill originating in the House of the following title:

H. 875. An act relating to making appropriations for the support of government.

Recess

On motion of Senator Campbell the Senate recessed until 11:00 A.M.

Called to Order

The Senate was called to order by the President.

Recess

On motion of Senator Campbell the Senate recessed until 12:00 P.M.

Called to Order

The Senate was called to order by the President.

Committee Bill Introduced; Rules Suspended; Immediate Consideration; Third Reading Ordered; Rules Suspended; Bill Passed; Rules Suspended; Bill Messaged

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the tomorrow:

S. 260.

By the Committee on Natural Resources and Energy,

An act relating to improving the siting of energy projects.

Thereupon, pending entry of the bill on the Calendar for notice tomorrow, Senator Campbell moved that the rules be suspended and that the bill be taken up for immediate consideration,

Which was agreed to on a roll call, Yeas 22, Nays 7 (the necessary three-fourths vote *having* been attained).

Senator Rodgers 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, Bray, Campbell, Campion, Cummings, Doyle, Kitchel, Lyons, MacDonald,

Mazza, McCormack, Mullin, Nitka, Pollina, Riehle, Sears, Sirotkin, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Baruth, Benning, Collamore, Degree, Flory, Rodgers, Starr.

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

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

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was placed on all remaining stages of its pass forthwith.

Thereupon, the bill was read the third time and passed on a roll call, Yeas 27, Nays 2.

Senator Collamore 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, Benning, Bray, Campbell, Campion, Collamore, Cummings, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Riehle, Rodgers, Sears, Sirotkin, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Baruth, Degree.

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

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

Adjournment

On motion of Senator Campbell, the Senate adjourned until two o'clock in the afternoon.

Called to Order

The Senate was called to order by the President.

Recess

On motion of Senator Campbell the Senate recessed until 3:00 P.M.

Called to Order

The Senate was called to order by the President.

Recess

On motion of Senator Campbell the Senate recessed until 4:00 P.M.

Called to Order

The Senate was called to order by the President.

Rules Suspension Refused**S. 230.**

Appearing on the Calendar for notice, Senator Benning, moved that the rules be suspended and Senate bill entitled:

An act relating to improving the siting of energy projects.

Be taken up for immediate consideration which was disagreed to on a roll call, Yeas 6, Nays 22.

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

Roll Call

Those Senators who voted in the affirmative were: Baruth, Benning, Collamore, Degree, Rodgers, Zuckerman.

Those Senators who voted in the negative were: Ashe, Ayer, Balint, Bray, Campbell, Campion, Cummings, Doyle, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Riehle, Sears, Sirotkin, Starr, Westman, White.

Those Senators absent and not voting were: Flory, McAllister (suspended).

Recess

On motion of Senator Campbell the Senate recessed until 5:00 P.M.

Called to Order

The Senate was called to order by the President.

Recess

On motion of Senator Campbell the Senate recessed until 5:30 P.M.

Called to Order

The Senate was called to order by the President.

Recess

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

Called to Order

The Senate was called to order by the President.

Recess

On motion of Senator Campbell the Senate recessed until 7:15 P.M.

Called to Order

The Senate was called to order by the President.

Committee Not Relieved of Further Consideration; Bill Not Committed**S. 22.**

Senator Ashe, moved that the Committee on Agriculture be relieved of further consideration of Senate bill entitled:

An act relating to docking the tail of a bovine,

and that the bill be committed to the Committee on Judiciary which was disagreed to.

**Rules Suspended; Immediate Consideration; Rules Suspended;
Governor's Veto Sustained****S. 230.**

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

An act relating to improving the siting of energy projects.

Was taken up for immediate consideration.

Thereupon, the pending question, Shall the bill pass, notwithstanding the refusal of the Governor to approve it?, was decided in the negative on a roll call required by the Vermont Constitution, Yeas 8, Nays 20. (the necessary *override* two-thirds vote *not* having been attained).

Roll Call

Those Senators who voted in the affirmative were: Baruth, Benning, Collamore, Degree, Kitchel, Rodgers, Starr, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Balint, Bray, Campbell, Campion, Cummings, Doyle, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Riehle, Sears, Sirotkin, White, Zuckerman.

Those Senators absent and not voting were: Flory, McAllister (suspended).

Recess

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

Called to Order

The Senate was called to order by the President.

Message from the House No. 82

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. 260. An act relating to improving the siting of energy projects.

And has passed the same in concurrence.

Joint Senate Resolution Adopted on the Part of the Senate; Rules Suspended; Joint Resolution Messaged**J.R.S. 57.**

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

By Senator Campbell,

J.R.S. 57. Joint resolution relating to final adjournment of the General Assembly in 2016.

Resolved by the Senate and House of Representatives

That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses *sine die* on the ninth day of June, 2016.

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

Message from the House No. 83

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 the Governor's veto on House bill of the following title:

H. 518. An act relating to the membership of the Clean Water Fund Board.

And has passed the same, the refusal of the Governor to approve notwithstanding.

Rules Suspended; Governor's Veto Sustained

H. 518.

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

An act relating to the membership of the Clean Water Fund Board.

Was taken up for immediate consideration.

Thereupon, the pending question, Shall the bill pass, notwithstanding the refusal of the Governor to approve it?, was decided in the negative on a roll call required by the Vermont Constitution, Yeas 4, Nays 18. (the necessary *override* two-thirds vote *not* having been attained).

Roll Call

Those Senators who voted in the affirmative were: Benning, Collamore, Degree, Rodgers.

Those Senators who voted in the negative were: Balint, Bray, Campbell, Champion, Cummings, Doyle, Kitchel, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Riehle, Starr, Westman, White, Zuckerman.

Those Senators absent and not voting were: Ashe, Ayer, Baruth, Flory, Lyons, McAllister (suspended), Sears, Sirotkin.

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

Rules Suspended; Bill Delivered

On motion of Senator Campbell, the rules were suspended, and the following bill was ordered delivered to the Governor forthwith:

S. 260.

Secretary Directed to Inform the House of Completion of Business

On motion of Senator Campbell, the Secretary was directed to inform the House that the Senate has completed the second half of the Biennial session and is ready to adjourn *sine die*, pursuant to the provisions of J.R.S. 57.

Message from the House No. 84

A message was received from the House of Representatives by Ms. Melissa Kucserik, its First 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. 57. Joint resolution relating to final adjournment of the General Assembly in 2016.

And has adopted the same in concurrence.

Message from the House No. 85

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

Mr President:

I am directed to inform the Senate that the House has on its part completed the business of the second half of the Biennial session and is ready to adjourn *sine die*, pursuant to the provisions of J.R.S. 57.

Final Adjournment

On motion of Senator Campbell, at nine o'clock and thirty minutes in the evening (9:30 P.M.) the Senate adjourned *sine die*, pursuant to the provisions of J.R.S. 57.

Message Received After Final Adjournment

After final adjournment, the following message was received by the Secretary:

Message from the Governor

A message was received from His Excellency, the Governor, by Susan Allen, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the thirteenth day of June, 2016 he approved and signed a bill originating in the Senate of the following title:

S. 260. An act relating to improving the siting of energy projects.

Realignment of Committees After Final Adjournment**Appointment of Senate Members to Joint Fiscal Committee**

Pursuant to the provisions of 2 V.S.A. §501, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Fiscal Committee for terms of two years ending February 1, 2017:

Senator Kitchel, *ex officio*
Senator Ashe, *ex officio*
Senator Sears
[Senator Snelling]
Senator Ayer
Senator Westman

Appointment of Senate Members to the Joint Legislative Justice Oversight Committee

Pursuant to the provisions of 2 V.S.A. §801, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Legislative Justice Oversight Committee for terms of two years:

Senator Sears
Senator Ashe
Senator Lyons
[Senator Snelling]
Senator Flory
Senator Degree

Appointment of Senate Members to Government Accountability Committee

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

Senator White
Senator Pollina
[Senator Snelling]
Senator Collamore
Senator McCormack

**Appointment of Senate Members of the Legislative Committee on
Administrative Rules**

Pursuant to the provisions of 3 V.S.A. §817, the President *pro tempore*, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Committee on Administrative Rules for terms of two years ending February 1, 2017:

Senator MacDonald
Senator Flory
[Senator Snelling]
Senator Lyons
Senator Benning

CERTIFICATION

“STATE OF VERMONT

Office of the Secretary of the Senate
Senate Chamber
State House
Montpelier, Vermont 05633

I hereby certify that the foregoing Journal is a true and correct record of the proceedings of the Senate of the State of Vermont for the second year of the biennial session of 2015, often referred to as the adjourned session of 2016.

This was the second year of the seventy-third biennial session of the General Assembly, beginning Constitutionally on the fifth day of January, 2016, and ending on the ninth day of June, 2016.

Attest:

/s/John H. Bloomer, Jr.

JOHN H. BLOOMER, JR.
Secretary of the Senate”