

Journal of the Senate

TUESDAY, JANUARY 10, 2017

The Senate was called to order by the President.

Devotional Exercises

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

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

J.R.S. 8.

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

By Senator Ashe,

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

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 13, 2017, it be to meet again no later than Tuesday, January 17, 2017.

Senate Concurrent Resolution Adopted

Senate concurrent resolution of the following title was offered read and adopted in concurrence:

By All Members of the Senate,

By All Members of the House,

S.C.R. 1. Senate concurrent resolution honoring former Senator William T. Doyle and designating March 7, 2017 as “Bill Doyle Town Meeting Day”.

Whereas, in 1958, equipped with degrees from Princeton and Columbia universities, William T. “Bill” Doyle began his ongoing tenure as a Johnson State College faculty member, specializing in Vermont politics, and

Whereas, as an historian, Bill Doyle authored and regularly updated his book *The Vermont Political Tradition: And Those Who Helped Make It*, and by capturing a global audience showed how civil engagement is conducted “the Vermont Way,” and

Whereas, through his work as a college professor at Johnson State College, Bill Doyle has educated hundreds of Vermonters on government and politics, helping to ignite the call to public service in many who have gone on to serve the State and Nation, and

Whereas, parallel to his role as an academic, Bill Doyle embraced a political life: first serving on the Montpelier School Board, which he chaired, and since Election Day in 1968, serving in the Vermont State Senate, and

Whereas, Senator Doyle's constituents reelected him 23 times, establishing the Senate's longevity service record of 48 consecutive years, rightfully earning him the title of "Dean of the Vermont State Senate", and

Whereas, as a Senator, he chaired the Committee on Government Operations, served on both the Joint and Senate Rules Committees, was the third member of the Committee on Committees, and was the Senate Minority Leader, and

Whereas, throughout his Senate career, Senator Doyle exhibited the upmost decorum and respect for his colleagues and the process and his insightful comments and input improved the legislative process, and

Whereas, Senator Doyle's accomplishments on behalf of his constituents and the Citizens of Vermont are numerous and immeasurable and his unparalleled constituent services over his illustrious career of 48 years have improved the lives of countless Vermonters and the Citizens of Washington County, and

Whereas, a unique confluence of Senator Doyle's academic and political careers started early in his Senate career when he created a Town Meeting Day Poll to gauge the positions of Vermonters on issues of current events providing a useful survey of public policy opinions used by legislators, the media and Vermont citizens, and

Whereas, many political leaders have praised Senator Doyle for his roles as an insightful legislative leader and civic educator, and

Whereas, the reputation of Vermont in general has been greatly enhanced by services too numerous to mention of this true and faithful son, and

Whereas, no greater tribute could be paid to this remarkable Vermonter than designating March 7, 2017 as Bill Doyle Town Meeting Day, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors former Senator William T. Doyle for his unparalleled Senate career and designates March 7, 2017 as Bill Doyle Town Meeting Day, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to former Senator William T. "Bill" Doyle.

Recess

On motion of Senator Ashe the Senate recessed for the purpose of honoring Senator William T. Doyle. Thereupon, remarks were presented as follows:

Remarks by the Honorable David E. Zuckerman, Lieutenant Governor

“This is a tremendous opportunity for me. As we look at last week and recognize the importance of all the events and transitions in state leadership, from Governor, to my office, and in the Senate as well, it is important to remember the senator we are honoring today has served in the Vermont Senate for longer than I have served as a human on our planet. The honor of meeting Senator Doyle more than 20 years ago, as a Representative from Burlington when I was invited to speak at his class in Johnson State College, is one I will always cherish. And I was only one of hundreds who have been invited to speak to his students.

“Senator Doyle has been a mentor to so many, in elected office and not, with respect to the institution of public service. His fine example of civility and public decorum in public service, as well as the Doyle Poll, are hallmarks this state will never forget.

“I do have a gift for you that I am not supposed to give out on the floor. When I first went to speak in Senator Doyle’s class I brought him squash from my farm and he has mentioned my farming and squash just about every time we were in the same room over the last 20 years. So I present you with some Delicata squash from my farm. With that I thank you Senator Doyle.”

Remarks by the Honorable Philip B. Scott, Governor

“It’s an honor to be back in this Chamber. This is where I started 17 years ago, and this is a wonderful way to bring it full circle.

“Over the years, there have been a few staples that are still here today: The green carpet. Senators Cummings, Lyons, Mazza, McCormack and Sears – as well as John, Vanessa and Steve. And – my fellow Washington County Senator – Bill Doyle.

“Senator Doyle, you’ve served every day of your life.

“You serve your constituents.

“You serve your students.

“You serve all of us who live in Vermont.

“For 48 years, you brought your wisdom to this building – in a way that few others can.

“You always find a way to make every person you talk to feel special by finding something you have in common.

“You also know how to take criticism...like when Governor Dean came in to wag his fingers at you...or the time I smashed what everyone thought was your cell phone.

“But most of all, you know what it means to be an effective legislator. It isn’t about being the loudest person in the room...it’s about remembering that you’re a public servant, not a politician.

There are people who attend Town Meeting just to fill out the Doyle Poll. Although unscientific, you found a very meaningful way for Vermonters to KNOW their opinion on the issues matters to Montpelier.

“THAT is public service – helping the public serve by giving them a voice.

“And so...it is my honor to sign this paper – proclaiming March 7, 2017 as Bill Doyle Town Meeting Day.

“Thank you Bill. You’re a true public servant.”

Remarks by Senator George B. Spaulding

Senator George B. Spaulding provided remarks honoring Senator William T. Doyle.

Remarks by Representative Janet Ancel

Representative Janet Ancel provided remarks honoring Senator William T. Doyle.

Remarks by The Honorable Speaker of the House Mitzi Johnson

“I first met Bill fourteen years ago when I was sworn in for my first term as a State Representative. Like every new legislator, I got a signed copy of his book which became my first homework assignment for my new role, and it was tremendously informative. Bill’s knowledge of the state, the legislature, and Vermont politics in unparalleled.

“Democracy works best when Vermonters are engaged, and has worked his entire life doing just that. More than anyone I know, Bill has encouraged Vermonters to engage in government, to get more young people-many of whom are regulars in this building as government affairs professionals, legislators, and staff-involved in the political process, and to connect Vermonters with their local, county, and state government. And we are all better for his efforts.

“In addition to helping me and many others understand government, Senator Doyle also helped me understand my constituents more. Grand Isle County was one of the first counties he tackled in his film series. That historical look at life in the Islands and the relationship of early Islanders with mainland Vermont gave me a richer understanding of the extra helping of independence and self-sufficiency one still feels there today. For that, for his work connecting young Vermonters to government, and for his dedicated service to the state, I remain very grateful to have served with such as outstanding legislator. Thank you, Bill.”

Remarks by Senator Jeanette K. White

“As a new Senator the first thing asked of us was to indicate our committee preferences.

“I got a call from Senator Doyle recruiting me to ask for Senate Government Operations.

“As a select board member and faithful town meeting attendee, of course the Doyle Poll was very familiar to me.

“It was an honor to be recruited by this legend at town meetings.

“Little did I then know that Senator Doyle had just introduced me to a long lasting love.

“Serving with him as Chair of Government Operations was like an intensive lesson in civics. We learned about all of state government along with it’s history. He also knew most of the witnessess – remembered their high school basketball scores or who their prom date was and which fire department they served on.

“Senator Doyle has carried his love of the process and the history to his classes at Johnson State. Each year his students join us for the session – and my guess is that more of us students go on to public service then any other college class.

“Each of us has many stories and memories of Senator Doyle. Dinners at his house, many dinners at Sarducci’s with Bill and Olene (regardless of what he had, they piled on the onions) and earning at least one of the Senators in here has a well worn copy of Senator Doyle’s Book in his desk.

“At one point I hurt my back and was doubled over in pain not able to walk only with the help of a cane. One day Senator Doyle and I came down the hall, he with his walker and me with my cane. As we passed the doorkeepers one of them said, with respect and humor, “here comes the race of the tortoise and the tortoise”.

“Senator Doyle we will miss you in this Chamber and citizens of Vermont will miss your defense of their role in our democracy.”

Remarks by Senator Joseph C. Benning

“I first met Bill Doyle in 1977. My mentor, then Caledonia State Senator Graham Newell, was Bill Doyle’s counterpart at Lyndon State College. Senator Newell brought a group of us students over to the statehouse, where I met the tall, lanky state senator from Washington County. Bill flitted about the chamber like a tennis pro attacking a ball coming over the net, and it was obvious that he was well liked by those around him.

“It was with great pleasure that many years later I was elected to serve in the Vermont Senate and to find myself a colleague of the very same Senator Doyle. We are both Jersey boys, and I was surprised to find Bill seems to know some of my favorite restaurants from my younger days.

“One of the perks of being a legislator is that you are entrusted with a key to this statehouse. Like Bill, I’m a history nut, and I love to give tours of this historic building to constituents, friends and family. I especially love to do so after hours and on weekends when there is nobody else in the building. But quite often when I thought the building would be vacant, I would find Senator Doyle working hard at his desk answering emails and phone calls from his constituents. Very few of us who work here on a daily basis knew how much time he devoted serving the needs of Vermonters during those off hours.

“My favorite memory of Bill took place not long after I had been in a car accident. My car required an extended stay in the shop, and my insurance company provided me with a rental car. I quickly learned that rental cars are not required to have snow tires, and as luck would have it I received mine in the middle of a raging Vermont snow storm. Shortly thereafter I found myself agreeing to give Bill a ride home- not thinking that his home was at the top of a very steep driveway.

“We got about half way up his hill and the all season radial tires suddenly lost traction. So we carefully backed down the hill. I gave it another go and got about a quarter of the way up his hill, once again losing traction. Backing up quite a ways, I tried it a third time, only to once again feel the wheels uselessly spinning beneath us. It was a problem for which I had no solution.

“Enter Bill Doyle with some Yankee ingenuity. He pulled out his cell phone, called his wife Olene, and she came down the driveway in her Subaru to pick him up and bring him home.

“You have heard that Bill wrote a book on Vermont history. Bill, it’s time to write a sequel- you have time! I am really looking forward to seeing how you weave Senator Mazza into the discussion.”

Remarks by Senator Richard W. Sears, Jr.

Senator Richard W. Sears, Jr. provided remarks honoring Senator William T. Doyle.

Remarks by Senator Richard A. Westman

Senator Richard A. Westman provided remarks honoring Senator William T. Doyle.

Remarks by Senator Richard J. McCormack

“Bill Doyle is a teacher, not only to his Johnson State students but to his colleagues, all of whom are his juniors. He’s taught us how this process works and how to work the process. He taught me how to make the best use of the hors d’oeuvres. One afternoon he scolded me for missing a reception in the Cedar Creek Room. “Dick” he said, ‘they have shrimp!’”

“Once, Bill and colleagues and I went to an NCSL conference in Indianapolis during a record Mid West heat wave. As we were sweltering at a bar-b-q Bill came up to me and said, “C’mon let’s get some real food”. We took a cab downtown and rode an elevator to the top of a skyscraper. The door opened to the cool of an air conditioned penthouse dining room with men in tux and ladies in gowns. We were in bar-b-q casual which can be seen as bums in the wrong place or Ted Turner type guys powerful enough to do what they want. We were seated at the front table next to the NCSL top guys. Excellent wine! Great steaks! At one point I crossed paths with Bill Russell, the head of leg council in those days. He looked at me and said, “What the hell are you doing here?” I said, “I’m with Bill Doyle.” Russell just said, “Oh” as though that explained everything.”

Remarks by Senator Vincent Illuzzi

“Well, the lights aren’t flickering and the chandler isn’t shaking.

“Thank you for the opportunity to say a few words about the dean of the Senate, the longtime senior senator from Washington County, my colleague for 32 years, and our friend, Sen. Bill Doyle. I’m very pleased that joining Bill today are his wife, Olene, his son, Lee and his wife Kim, his daughter, Kelly, and her daughter and Bill’s granddaughter, Isidora Dickstein, who is serving as a page at this time. Also present are members of Bill’s class from Johnson State College, where Bill has been teaching since 1958, and continues as a professor.

“For those of you who did not have the privilege to serve with Bill Doyle, I can tell you there are endless anecdotes and stories about him. I’ve picked up on many of them over the years and I thought I would share a few of them today.

“Let me first mention a few lighthearted moments that come to mind. Bill and Olene Doyle always hosted an annual spring buffet at their home here in Montpelier, for senators and staff. Senator Arthur Gibb from Addison County, who served in the House starting in 1962, and then the Senate from 1971 to 1987, and his wife, Barbara, religiously attended. One year, Art spoke for the guests and thanked Bill and Olene, and mentioned that the party mix was the best he ever had. Bill hemmed and hawed but felt compelled to admit

that the party mix was actually dry cat food. Art didn't seek reelection. We never knew what role that party mix had to do with that decision.

"We both attended the 1988 Republican National Convention in New Orleans. While there, Bill learned about a buffet dinner which Muhammad Ali would attend -- but only for Nevada delegates. In fact, Bill somehow knew where and when ALL the buffets were being held. So we 1) attended the buffet, and 2) met Muhammad Ali, in that order. The food was good. The price was right. Bill did a nice job dancing around questions about where we were from and what we were doing there. I think Bill secretly consulted for Wedding Crashers.

"In the late 1980s and early 1990s, Ralph Wright of Bennington was the House Speaker. Ralph's roving agents were Reps. Tim Corcoran and Bob Harris. Ralph wanted a lot of things that Bill wasn't prepared to deliver, and so that set the stage to unleash Corcoran and Harris. Among other things, in 1992, one of them called the local radio stations, anonymously, and congratulated Bill on his 80th birthday, an item repeated all morning on the radio. Listeners were somewhat shocked to learn Bill was 80 years old some 25 years ago!

"Then there was the end of session committee party at Bill and Olene's residence for committee members. Harris or Corcoran -- we don't know which one because they both denied everything and demanded proof -- invited to the dinner one of Bill's neighbors, Judson, who loved to drink -- alcohol -- and a lot of it. Just as Judson walked in, Sen. Hilton Wick had stepped out, so Judson sat at his place setting. When Hilton returned, Bill was forced to ask him to leave, and in Judson's mind, uninviting him, resulting in one of those, "I've been thrown out of better places" moments. Harris and Corcoran just happened to be at the bottom of the driveway, and commiserated with Judson about how rude Bill had been.

"Finally, there was a bill that threatened many legislators from the Northeast Kingdom. A survey in Essex, Orleans and Caledonia Counties found strong voter support for what former Sen. John McClaughry dubbed as his "turkey bill." He passed out a sample ballot where next to the name of the major party candidates was a sketch of an elephant or a donkey, and next to "none of the above" was a turkey. Our political careers were on the line. Bill killed the bill in his committee and the Northeast Kingdom delegation was grateful -- and breathed a sigh of relief.

* * *

"On a more serious note, there was always tension between Bill and the leadership of the political parties in Vermont. The reason we have open primaries in Vermont is Bill Doyle. Bill did not want Vermonters to be

required to register with a political party for the privilege of voting. His goal -- to maximize voter participation.

“Until Bill helped lead the effort to pass a statewide presidential primary bill, the decisions were made in caucuses. Relatively few participated. Bill wanted a statewide presidential primary election on Town Meeting Day. His goal – to engage more Vermonters in the political process.

“And Bill predicted a statewide primary would encourage presidential candidates to visit and campaign here. I know this will warm the hearts of some of you. “Bill, thank you for bringing Donald Trump to Burlington.”

“Bill started his annual Town Meeting Day survey in 1969. Here’s why. Gov. Deane Davis of Montpelier, a Republican, one of Bill’s constituents, the former president of National Life Insurance Company, and a conservative, ran on a platform of fiscal responsibility. It was Bill’s first week as a state senator and he was being asked to institute a sales tax, decidedly not the Republican thing to do. He wasn’t going to take that plunge without some cover. Bill polled his district, and discovered that seeking voter input was so well received that it became an annual event -- and he expanded it statewide. It is now a Vermont Political Tradition.

“So going back five decades, Bill was more than a Washington County state senator. Because he was a student of democracy and lover of all things political, as well as a gifted teacher, Bill over the years that he has composed, distributed and tallied up the Doyle Poll, enabled thousands upon thousands of individuals to have their voices heard by each other and by the decision makers in Montpelier.

“So as you can see from just these examples, Bill spent a large portion of his political capital in this Senate Chamber in this historic building leading the effort to expand the opportunity of Vermonters to participate in the electoral process; and, to share their opinions on the political questions of the day.

“In January 1981, I first arrived at the Vermont Senate from the Essex/Orleans District. As I walked in the State House, there was a familiar face – a state senator I had known as a kid from Barre. Bill had visited my high school and for many of us made among the first connections between politics and government. He was reelected to his third term in the Senate in the first election in which I was able to vote, November 1972. We once joked on the Senate floor during debate on the budget the senatorial scholarship he gave me when I was in college. I think \$50.00 when he could have awarded \$300.00. I told everyone I sent it back and told him he apparently needed it more than I did. Without pausing, he stood up and said it was “on the merits.”

“My final point about Bill Doyle’s impact on the Senate is best illustrated by how the Senate is organized every two years. On Friday, January 6, committee assignments were made. Although the Senate only has seven Republicans, two Republicans were appointed as committee chairs. This is virtually unheard of in other states, where winners take all.

“As I settled into my own Senate seat on the first Wednesday after the first Tuesday in January 1981, Bill Doyle preached fairness in the committee appointment process. In 1981, the Republicans were in the majority in the Senate, I think 23 to 7, and there was a Republican governor and a Republican speaker of the House.

“Bill told the Senate leaders at that time, Stewart Smith, Bob Bloomer and Bob Gannett, all Republicans, there shouldn’t mean one-party rule. As a result, there were Democratic as well as Republican chairs of committees. As a member of the Senate majority, and later as a member of the Committee on Committees, Bill Doyle supported and insisted on that bi-partisan approach, which certainly creates a different spirit in these halls from what prevails in Washington. And it’s nice to see it continues today. Thank you, Bill Doyle.

“In his special and beloved role as chair of the Government Operations Committee for many years, Bill had a reputation for fairness and even-handedness that also sets our state apart. It seems that in lots of states, election laws changes are proposed by members of the party in power simply as a means of trying to maintain that party’s majority, and sometimes by discouraging voter participation. Bill Doyle never looked at things that way; what he looked for were changes that maintained and expanded the power of individuals - whatever their party and whatever their politics - to participate in the process so that their voices could be heard and their needs met.

“Over almost a half century in the Senate, Bill never lost his fascination with learning everything he possibly could and teaching his students and constituents and those who worked with him the importance of that part of the tradition embodied in Article Eight of our state constitution:

“That all elections ought to be free; and that all freemen . . . have a right to elect offices, or to be elected into office.”

“His book, “The Vermont Political Tradition: And Those Who Helped Make It,” reflects what he learned and experienced, and it will help to guide future generations. He uses it today to teach his government and political history classes at Johnson State College.

“The statement Bill issued when he decided to clear the deck and allow his good friend and former colleague, Francis Brooks, to be certified as one of the three winners of the November election, says a lot about his respect for the General Assembly as an institution and for those who serve here.

“Teacher. Pollster. Senator. Congratulations, Senator Bill Doyle, for your nearly one half century of public service to the people of the State of Vermont, for being such a great guy, a good friend, and for a job well done!”

Remarks by Senator William T. Doyle

“Thank you, Mr. President, for giving me a few moments to share a few thoughts with the members of the Vermont Senate and its guests.

“It seems like only yesterday that I was sworn in as one of the state senators from Washington County. And although some of you may think I was around when Vermont’s first constitution was written in 1777, you are mistaken. I was living in New Jersey at that time.

“I am very grateful to be honored today by many of my former colleagues in the House and Senate.

“I would like to thank my family for all that they did to support my political career. Much of my work, and the length of my tenure, would not have been possible without a supportive family. My wife, Olene, and my children, Lee, Keith and Kelly, all helped me in my campaigns they gave me the time to engage in the grueling schedule and demands of serving in a legislature with little staff and the need to provide constituent service all year long.

I care to share a few themes that guided my work in this Chamber.

“One was to give voice to Vermonters who felt excluded by the political process. While other states have worked to pass legislation that has a tendency to restrict voter participation, I am proud that in Vermont, we have done the opposite. We have enacted laws that provide every reasonable opportunity to Vermonters to easily register to vote and to otherwise participate in the electoral process.

“Another important goal was to keep the General Assembly as a citizen legislature. Legislators who interact directly with constituents are best able to understand their needs, and either help craft legislation that addresses their issues or intervene to ensure government is treating them equally and with due process.

“Town meeting is the essence of democracy. We have worked to provide municipalities with the flexibility to maintain a traditional town meeting, but we also have recognized that as Vermont grows in population, and the lives of Vermonters has become more complex, and jobs are a long drive away from their home town, it may be necessary to annually address a town’s business by use of the ballot box and provide for daylong and absentee voting opportunities.

“What better way to get a sense of your district, or what Vermonters are thinking on pending policy questions, than to ask them. My town meeting day survey was put together every year with input from fellow legislators and community leaders around Vermont. The results of the survey often reflected the course followed by the General Assembly.

“The reapportionment of the House and Senate every ten years is key to ensuring that all corners and parts of Vermont have representation in the General Assembly. Requiring Senate Districts to follow county lines as much as possible have helped to maintain the political identities of the state’s 14 counties and to avoid the mischief that takes place and the disenfranchisement that results in other states.

“I learned much from the seven governors and hundreds of legislators with whom I served, and from those who took the time to call, write, email or attend public hearings on the issues of the day.

“In return, I hope I responded the best I could to those requests, needs and goals.

“I hope that members of the General Assembly and my former constituents will allow that I did my best to help steer our government to meet the ever changing needs of Vermonters and the state we love.

“Thank you for the honor today.”

Called to Order

The Senate was called to order by the President.

Bills Introduced

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

S. 1.

By Senators Ashe, Mullin, Kitchel and Cummings,

An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018.

To the Committee on Education.

S. 2.

By Senator Ashe,

An act relating to information sharing by the Commissioner of Financial Regulation.

To the Committee on Finance.

S. 3.

By Senators Sears, Ayer and White,
An act relating to mental health professionals' duty to warn.
To the Committee on Judiciary.

S. 4.

By Senators Ashe, Lyons and Pollina,
An act relating to publicly accessible meetings of an accountable care organization's governing body.
To the Committee on Health and Welfare.

S. 5.

By Senator Sears,
An act relating to plea agreements.
To the Committee on Judiciary.

S. 6.

By Senators Baruth, Sirotkin, Clarkson, Ingram, Lyons, McCormack and Pearson,
An act relating to requiring background checks for the transfer of firearms.
To the Committee on Judiciary.

S. 7.

By Senators Benning and Sears,
An act relating to deferred sentences and the sex offender registry.
To the Committee on Judiciary.

S. 8.

By Senators Pollina and White,
An act relating to establishing the State Ethics Commission and standards of governmental ethical conduct.
To the Committee on Government Operations.

S. 9.

By Senators Starr, Rodgers and Westman,
An act relating to the preparation of poultry products.
To the Committee on Agriculture.

S. 10.

By Senators Campion and Sears,

An act relating to liability for the contamination of potable water supplies.

To the Committee on Natural Resources and Energy.

S. 11.

By Senators Campion and Sears,

An act relating to the liability of municipalities for hazardous material releases from landfills.

To the Committee on Natural Resources and Energy.

S. 12.

By Senator Starr,

An act relating to increasing the maximum prison sentence for first, second, and subsequent offenses of aggravated animal cruelty.

To the Committee on Judiciary.

S. 13.

By Senators Starr, Rodgers and Westman,

An act relating to fees and costs allowed at a tax sale.

To the Committee on Government Operations.

S. 14.

By Senator Sears,

An act relating to expanding the Vermont Practitioner Recovery Network.

To the Committee on Health and Welfare.

Adjournment

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