

Journal of the Senate

WEDNESDAY, MARCH 1, 2017

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Deborah McKinley of East Craftsbury.

Bills Referred to Committee on Finance

Senate bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

S. 20. An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older.

S. 99. An act relating to authorizing additional tax increment financing districts.

S. 100. An act relating to promoting affordable and sustainable housing.

Joint Resolution Referred

J.R.S. 22.

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

By Senators Pollina and Ingram,

J.R.S. 22. Joint resolution expressing strong concern at the increasing economic inequality in Vermont and throughout the United States.

Whereas, BusinessDictionary.com defines income as “the flow of cash or cash-equivalents received from work (wage or salary), capital (interest or profit) or land (rent),” and the same source defines wealth as the “value of an entity’s [or person’s] accumulated tangible cash, land, building[s], etc. and intangible (copyright, patents, trademarks, etc.) saleable possessions minus liabilities,” and

Whereas, from the conclusion of World War II until the early 1970s, income grew at approximately a steady rate from the bottom to the top of the economic ladder, and the income gap, although significant, remained relatively constant, and

Whereas, starting in the 1970s, economic growth slowed and the income gap between the top and bottom of the wage scale began to widen, and

Whereas, income growth for families from the middle to the bottom of the income scale slowed significantly while it grew strongly for top earners, reaching a concentration unseen since the 1920s, and

Whereas, according to the Congressional Budget Office (CBO) from the years 1979–2013, after-tax income for the bottom 20 percent of earners changed 46 percent and for the top one percent, the change was 192 percent, and

Whereas, if the post-2007 recession years are excluded, the income change for the top one percent for the years 1979–2007 was 314 percent, and

Whereas, the CBO recently reported that families in the top 10 percent of wealth distribution held 76 percent of all family wealth while families in the bottom half held a mere one percent, and

Whereas, writing in the May 2016 issue of *The Quarterly Journal of Economics*, University of California at Berkeley economists Emmanuel Saez and Gabriel Zucman documented that in 1978, seven percent of the nation's wealth belonged to the wealthiest 0.1 percent of Americans, but by 2012 this same narrow slice of the population owned 22 percent of the nation's wealth, and

Whereas, Senator Bernie Sanders electrified the nation during his presidential campaign with his strong criticism of the heavily skewed income and wealth inequality that is now present in the nation's economy, and

Whereas, Senate Pro Tempore Timothy R. Ashe, in remarks made upon his election to his post, spoke of the two Vermonts, one that “racks up the superlatives—Healthiest State, Best State to Raise a Family, Safest State, and on and on,” and “the other Vermont [that] is filled with people who have been at best holding the line, but more likely losing economic ground in a decade that has benefitted some so greatly,” further stating that “above everything else we work on, we must, in every policy area, endeavor to create just ONE VERMONT,” *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly expresses strong concern at the increasing economic inequality in Vermont and throughout the United States, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip B. Scott and the Vermont Congressional Delegation.

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

Bills Introduced

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

S. 106.

By Senators Rodgers, Benning, Branagan, Degree, Kitchel and Starr,
An act relating to land use jurisdiction over electric generation facilities.
To the Committee on Finance.

S. 107.

By Senators Pearson and Rodgers,
An act relating to limiting drug-related criminal liability and civil forfeiture actions against persons associated with an approved safer drug consumption program.

To the Committee on Judiciary.

S. 108.

By Senator Pearson,
An act relating to the Vermont Automobile Repossession Act.
To the Committee on Judiciary.

S. 109.

By Senator Rodgers,
An act relating to tuition payments and public high school choice.
To the Committee on Education.

Joint Resolution Amended; Joint Resolution Adopted on the Part of the Senate

J.R.S. 21.

Joint resolution entitled:

Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and three Justices of the Supreme Court and ten Superior Court Judges.

Was taken up.

Thereupon, pending the question, Shall the joint resolution be adopted on the part of the Senate? Senator Ashe, moved to amend the resolution as follows:

In the Resolved clause by striking out the *first* sentence in its entirety and inserting in lieu thereof the following: That the two Houses meet in Joint Assembly on Thursday, March 23, 2017, at four o'clock in the afternoon to vote on the retention of a Chief Justice and three Associate Justices of the Supreme Court and ten Superior Court Judges.

Which was agreed to.

Thereupon, the resolution was adopted on the part of the Senate.

Bill Passed

S. 56.

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

An act relating to life insurance policies and the Vermont Uniform Securities Act.

Joint Resolution Adopted on the Part of the Senate

J.R.S. 19.

Joint Senate resolution of the following title was read the third time and adopted on the part of the Senate:

Joint resolution relating to prescription drug pricing.

Third Reading Ordered

S. 69.

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

An act relating to an employer's compliance with an income withholding order from another state.

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

J.R.H. 4.

Senator Ingram, for the Committee on Education, to which was referred joint House resolution entitled:

Joint resolution reaffirming the General Assembly's commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in Brigham v. State.

Reported that the joint resolution ought to be adopted in concurrence.

Thereupon, the joint resolution was read the second time by title only pursuant to Rule 43, and third reading of the joint resolution was ordered on a roll call, Yeas 22, Nays 8.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Benning, Bray, Brooks, Campion, Clarkson, Cummings, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pearson, Pollina, Sirotkin, Starr, White.

Those Senators who voted in the negative were: Ayer, Branagan, Collamore, Degree, Flory, Rodgers, Sears, Westman.

Bill Amended; Third Reading Ordered

S. 9.

Senator Brooks, for the Committee on Agriculture, to which was referred Senate bill entitled:

An act relating to the preparation of poultry products.

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

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) federal law allows a poultry producer to slaughter up to 20,000 birds annually and to sell those birds in the State without State inspection of each act of slaughter;

(2) State law currently does not allow a poultry producer to conduct slaughter under the federal 20,000 bird exception, instead requiring all producers that slaughter more than 1,000 birds a year to meet strict standards for slaughter facilities and conduct;

(3) small farmers in the State need to diversify revenue streams in order to compete, and many farmers slaughter poultry as one part of their revenue stream;

(4) the State should allow farmers to slaughter poultry under the federal 20,000 bird exception to inspection if certain sanitary standards are satisfied; and

(5) the Secretary of Agriculture, Food and Markets should develop education and outreach materials to inform farmers in the State of the requirements for slaughter under an exception to inspection and how a farmer can access technical and financial assistance from the State to meet the required sanitary standards for slaughter under an exception to inspection.

Sec. 2. 6 V.S.A. § 3312 is amended to read:

§ 3312. INSPECTION; EXCEPTIONS

(a) Not intended for human food. Inspection shall not be provided under this chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products which are not intended for use as human food, but these products shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by rules of the ~~secretary~~ Secretary to deter their use for human food. These licensed establishments shall be subject to periodic review.

(b) 1,000 bird exemption. Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own ~~farm~~ premises, whether or not they are intended for use as human food if:

(1) Fewer than 1,000 birds are slaughtered annually; ~~and~~

(2) No ~~birds~~ poultry products are offered for sale or transportation in interstate commerce; and

(3) The poultry products are only sold, as whole birds only, from the farm, at a farmers' market, or to a food restaurant licensed by the ~~commissioner of health~~ Commissioner of Health, or are for personal use.

(c) 5,000 bird exemption.

(1) Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own premises, whether or not they are intended for use as human food if all of the following conditions are satisfied:

(A) No more than 5,000 birds are slaughtered annually.

(B) No poultry products are offered for sale or transportation in interstate commerce.

(C) The poultry products are only sold, as whole birds, from the farm, at a farmers' market, directly to household consumers, or to a food restaurant licensed by the Commissioner of Health, or are for personal use.

(D) The producer's facility is not used to slaughter or process poultry by any other person or business.

(E) The producer does not purchase birds for resale that have been processed under the exemption under this section.

(F) The poultry are healthy when slaughtered.

(G) The poultry are slaughtered and otherwise processed and handled under sanitary standards, practices, and procedures that result in the preparation of poultry products that are sound, clean, and fit for human food when distributed by the producer.

(2) As used in this subsection "sanitary standards, practices, and procedures" means:

(A) the poultry are slaughtered in a building that is soundly constructed, kept in good repair, and of sufficient size;

(B) all food-contact surfaces and nonfood-contact surfaces in the building are cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of the products;

(C) the building and the grounds around it are constructed and maintained to prevent the entrance of vermin, including flies, rats, and mice;

(D)(i) sewage shall be disposed of in a sewage system separate from other drainage lines; or

(ii) sewage is disposed of through other means to prevent backup into the area where the product is processed, handled, or stored, including through on-farm composting under the Required Agricultural Practices;

(E) a supply of potable water of suitable temperature is provided in all areas where required for processing the product, cleaning rooms, cleaning equipment, cleaning utensils, and cleaning packaging materials;

(F) equipment and utensils used for processing or handling edible products or ingredients are of a material that is cleanable and sanitizable to ensure that their use will not cause adulteration of the product during processing, handling, or storage;

(G) receptacles used for storing inedible material are of such material and construction that their use will not result in adulteration of any edible product or create insanitary conditions; and

(H) a person working in contact with the product, food-contact surfaces, and product-packaging material shall maintain hygienic practices and while working shall wear clothing that is cleanable or disposable.

(d) 20,000 bird exemption. Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own premises, whether or not they are intended for use as human food if:

(1) no more than 20,000 birds are slaughtered annually;

(2) no birds are offered for sale or transportation in interstate commerce;

(3) the poultry products are only sold, as whole birds, from the farm, at a farmers' market, directly to household consumers, or to a food restaurant licensed by the Commissioner of Health, or are for personal use;

(4) the producer's facility is not used to slaughter or process poultry by any other person or business;

(5) the producer does not purchase birds for resale that have been processed under the exemption under this section;

(6) the poultry are healthy when slaughtered; and

(7) the poultry are slaughtered and otherwise processed and handled according to the sanitary performance standards of 9 C.F.R. §§ 416.1–416.17.

(e) Required label. All poultry sold from the farm, at a farmers' market, or to a food restaurant pursuant to the exemption in subsection (b), (c), or (d) of this section shall be labeled with the following information:

(1) Name of farm and name of producer;

(2) Address of farm, including zip code;

(3) "Exempt per 6 V.S.A. § 3312(b): NOT INSPECTED." This statement shall be prominently displayed with such conspicuousness (as compared with other words or statements, designs, or devices in the labeling) as to render it likely to be read and understood under customary conditions of purchase and use.

(4) Safe handling and cooking instructions as follows:

"SAFE HANDLING INSTRUCTIONS:

Keep refrigerated or frozen. Thaw in refrigerator or microwave.

Keep raw poultry separate from other foods.

Wash working surfaces, including cutting boards, utensils, and hands after touching raw poultry.

Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds.

Keep hot foods hot. Refrigerate leftovers immediately or discard.”

~~(d)~~(f) Menu items; label. Any menu item that includes poultry that is exempt under this section shall clearly state the name of the farm from which the poultry was purchased and shall prominently display the words “poultry processed on the farm and not inspected” on the menu in proximity to the menu item. Poultry sold to food restaurants under the exemption in this section shall include a label alerting the purchaser to these labeling requirements.

~~(e)~~(g) Food restaurant; signed statement. The poultry producer, upon first selling poultry to a food restaurant, must procure a signed statement from the food restaurant stating that the food restaurant is aware that the poultry is exempted from inspection under subsection ~~(b)~~, ~~(c)~~, or ~~(d)~~ of this section, and that the menu of the food restaurant must have the information required by subsection ~~(d)~~~~(e)~~ of this section. The poultry producer must keep the signed statement on file as long as the producer is selling poultry to the food restaurant under this section. The poultry producer must have a signed statement on file from each food restaurant to which poultry is sold under this section and an exact copy of each statement, including the name of the producer and the name of the purchasing restaurant shall be forwarded to the ~~department of health~~ Department of Health.

Sec. 3. 6 V.S.A. § 3302(6) is amended to read:

(6) “Commercial slaughterhouse” means any person engaged in the business of slaughtering livestock or poultry other than as a custom slaughterer or a person conducting slaughter under subsections 3312(b), (c), and (d) of this title.

Sec. 4. AGENCY OF AGRICULTURE, FOOD AND MARKETS;
EDUCATION AND OUTREACH; TECHNICAL AND FINANCIAL
ASSISTANCE; POULTRY PRODUCERS

The Secretary of Agriculture, Food and Markets shall conduct outreach and education for poultry producers seeking to slaughter poultry under an exception under 6 V.S.A. § 3312 to State inspection of slaughter. The education and outreach shall specify the requirements for operation under an exception to inspection, including the sanitary standards that must be satisfied for each exception. The education and outreach shall also provide information on how a poultry producer can access financial or technical assistance for complying with sanitary standards required under 6 V.S.A. § 3312. Any education or outreach material shall provide a contact or reference to provide

additional information regarding slaughter under an exception to inspection. The Secretary of Agriculture, Food and Markets shall post to the Agency of Agriculture, Food and Markets website any education or outreach materials produced under this section.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

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

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

The nomination of

Tebbetts, Anson of Marshfield - Secretary, Agency of Agriculture Food and Markets - January 5, 2017, to February 28, 2017.

Was confirmed by the Senate.

The nomination of

Tebbetts, Anson of Marshfield - Secretary, Agency of Agriculture Food and Markets - March 1, 2017, to February 28, 2019.

Was confirmed by the Senate on a roll call Yeas 30, Nays 0.

Senator Ashe 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, Branagan, Bray, Brooks, Campion, Clarkson, Collamore, Cummings, Degree, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

The nominations of

Tierney, June of Randolph Center - Commissioner, Department of Public Service - January 5, 2017, to February 28, 2017.

Tierney, June of Randolph Center - Commissioner, Department of Public Service - March 1, 2017, to February 28, 2019.

Were collectively confirmed by the Senate.

The nominations of

Cole, Christopher of Richmond - Commissioner, Department of Buildings and General Services - January 5, 2017, to February 28, 2017.

Cole, Christopher of Richmond - Commissioner, Department of Buildings and General Services - March 1, 2017, to February 28, 2019.

Were collectively confirmed by the Senate.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, March 2, 2017.