

Journal of the Senate

TUESDAY, MARCH 23, 2010

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kevin Rooney of Northfield.

Pledge of Allegiance

Pages Caitlin Costello and Paul Croizet then led the members of the Senate in the pledge of allegiance.

Bills Referred

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

H. 243.

An act relating to the creation of a mentored hunting license.

To the Committee on Natural Resources and Energy.

H. 462.

An act relating to encroachments on public waters.

To the Committee on Natural Resources and Energy.

H. 509.

An act relating to pollution control measures for Lake Champlain and the other water of the state.

To the Committee on Agriculture.

H. 540.

An act relating to motor vehicles passing vulnerable users on the highway and to bicycle operation.

To the Committee on Transportation.

H. 590.

An act relating to mediation in foreclosure proceedings.

To the Committee on Judiciary.

H. 639.

An act relating to motor vehicle insurance for volunteer drivers.

To the Committee on Finance.

H. 680.

An act relating to termination of occupancy of farm employee housing.

To the Committee on Judiciary.

H. 772.

An act relating to alcoholic beverage tastings and other liquor licensing issues.

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

Joint 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 Senator Shumlin,

J.R.S. 55. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 26, 2010, it be to meet again no later than Tuesday, March 30, 2010.

Action Reconsidered; House Proposal of Amendment Concurred in with Further Proposal of Amendment**S. 117.**

Assuring the Chair that she voted with the majority whereby House proposal of amendment was concurred in by the Senate, Senator White moved that the Senate reconsider its action on Senate bill entitled:

An act relating to the date of the primary election.

Which was agreed to.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator White moved that the Senate concur in the House proposal of amendment with further proposal of amendment as follows:

By adding a new Sec. 11 to read:

Sec. 11. EFFECTIVE DATE

This act shall take effect upon passage.

Which was agreed to.

Consideration Resumed; Third Reading Ordered

S. 293.

Consideration was resumed on Senate bill entitled:

An act relating to state standards for boilers and pressure vessels.

Thereupon, the recurring question, Shall the bill be read the third time?, was decided in the affirmative.

Consideration Postponed

S. 294.

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

An act relating to identification in electioneering communications and penalties for campaign finance violations.

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

Sec. 1. 17 V.S.A. § 2806(a) is amended to read:

(a) A person who knowingly and intentionally violates a provision of ~~subchapters 2 through 4~~ subchapter 2, 3, 4, or 8 of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months or both. If the person is not a natural person, each individual responsible for knowingly and intentionally authorizing a violation shall be liable under this subsection.

Sec. 2. 17 V.S.A. § 2892 is amended to read:

§ 2892. IDENTIFICATION

All electioneering communications shall contain the name and address of the person, political committee, ~~or campaign, party, or candidate~~ who or which paid for the communication. The communication shall clearly designate the name of the ~~candidate, party, or political committee~~ person, political committee, party, or candidate by or on whose behalf the same is published or broadcast. The identification requirements of this section shall not apply to lapel stickers or buttons, nor shall they apply to electioneering communications made by a single individual acting alone who spends, in a single two-year

general election cycle, a cumulative amount of no more than \$150.00 on those electioneering communications.

Sec. 3. 17 V.S.A. § 2892a is added to read:

§ 2892a. SPECIFIC IDENTIFICATION REQUIREMENTS FOR CERTAIN ELECTIONEERING COMMUNICATIONS

A person, political committee, party, or candidate that makes an expenditure for an electioneering communication shall include at the end of any communication which is transmitted through radio or television, in a clearly spoken manner, an audio statement that sets forth the following information: the name of the speaker, the name of the person who paid for the communication, the relationship of the speaker to the person, and a statement that the speaker approves of the content of the communication. For communications using media other than radio or television, the name, mailing address, and Internet address of the person or political committee shall appear prominently such that a reasonable person would clearly understand by whom the expenditure has been made.

Sec.4. 17 V.S.A. § 2893 is amended to read:

§ 2893. NOTICE OF EXPENDITURE

(a) For purposes of this section, “mass media activities” includes television commercials, radio commercials, mass mailings, mass electronic or digital communications, literature drops, newspaper and periodical advertisements, robotic phone calls, and telephone banks which include the name or likeness of a clearly identified candidate for office.

(b) In addition to any other reports required to be filed under this chapter, a person, political committee, party, or candidate who makes expenditures for any one mass media activity totaling \$500.00 or more within 30 days ~~of~~ before a primary or general election shall, for each activity, file a mass media report by email with the secretary of state and send a copy of the mass media report by e-mail to each candidate whose name or likeness is included in the activity within ~~24~~ 12 hours of the expenditure or activity, whichever occurs first. For the purposes of this section, a person, political committee, party, or candidate shall be treated as having made an expenditure if the person has executed a contract to make the expenditure. The report shall identify the person, political committee, party, or candidate who made the expenditure with the name of the candidate involved in the activity and any other information relating to the expenditure that is required to be disclosed under the provisions of subsections 2803(a) and (b) of this title. If the activity occurs within 30 days before the election and the expenditure was previously reported, an additional report shall be required under this section. Specifically, the person, political committee,

party, or candidate shall file a mass media report by email with the secretary of state and send a copy of the mass media report by email to each candidate whose name or likeness is included in the activity within 12 hours of the activity.

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 moved by Senator White on behalf of the Committee on Government Operations?, on motion of Senator Shumlin, consideration of the bill was postponed until the next legislative day.

Consideration Postponed

Senate bill entitled:

S. 237.

An act relating to operational standards for salvage yards.

Was taken up.

Thereupon, without objection consideration of the bill was postponed until the next legislative day.

Senate bill entitled:

S. 247.

An act relating to bisphenol A.

Was taken up.

Thereupon, on motion of Senator Sears, consideration of the bill was postponed until March 30, 2010.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 262. An act relating to a study of coverage of appropriate services for children with autism spectrum disorders.

S. 264. An act relating to stop and hauling charges.

S. 279. An act relating to nonunanimous jury verdicts in civil actions.

S. 285. An act relating to promoting health care coverage for farmers.

S. 295. An act relating to the creation of an agricultural development director.

S. 296. An act relating to sale or lease of the John H. Boylan state airport.

S. 297. An act relating to miscellaneous changes to education law.

Bill Passed in Concurrence with Proposal of Amendment

H. 456.

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

An act relating to seasonal fuel assistance.

Bill Passed in Concurrence

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

H. 598. An act relating to sorting early voter absentee ballots.

Joint Resolution Adopted on the Part of the Senate

J.R.S. 54.

Joint Senate resolution entitled:

Joint resolution related to the payment of dairy hauling costs.

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

Joint Resolution Adopted in Concurrence

J.R.H. 45.

Joint House resolution entitled:

Joint resolution urging Google Incorporated to give all due consideration to Vermont applicants for selection to participate in the Google Fiber for Communities project.

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

Rules Suspended; Bills Messaged

On motion of Senator Shumlin, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

S. 117; S. 262; S. 264; S. 279; S. 285; S. 295; S. 296; S. 297; H. 456; H. 598.

Senate Concurrent Resolution

The following joint concurrent resolution, 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, is hereby adopted on the part of the Senate:

By Senator Lyons,

S.C.R. 44.

Senate concurrent resolution in memory of Henry P. Albarelli Sr. of Burlington.

[The full text of the Senate concurrent resolution appeared in the Senate calendar addendum for March 19, 2010, and, if adopted in concurrence by the House, will appear in the volume of the Public Acts and Resolves to be published for this session of the sixty-ninth biennial session of the Vermont General Assembly.]

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, are hereby adopted in concurrence:

By Representative Klein and others,

By Senators Cummings, Doyle and Scott,

H.C.R. 273.

House concurrent resolution congratulating the 2010 U-32 Raiders Division II championship boys' basketball team.

By Representative Nease and others,

By Senator Bartlett,

H.C.R. 274.

House concurrent resolution congratulating the 2010 Lamoille Union High School Lady Lancers Division II championship girls' basketball team.

By Representatives Cheney and Masland,

By Senator MacDonald,

H.C.R. 275.

House concurrent resolution commemorating the 200th anniversary of the birth of Senator Justin Smith Morrill, the father of America's land-grant colleges.

By Representative Ram and others,

H.C.R. 276.

House concurrent resolution honoring the federal TRIO programs in Vermont.

By Representatives Winters and Davis,

By Senator MacDonald,

H.C.R. 277.

House concurrent resolution congratulating the 2010 Williamstown Blue Devils Division IV championship boys' basketball team.

By Representative Klein and others,

By Senators Cummings, Doyle and Scott,

H.C.R. 278.

House concurrent resolution congratulating the 2010 U-32 Raiders Division II championship girls' ice hockey team.

By Representative Wilson and others,

H.C.R. 279.

House concurrent resolution designating October 16, 2010, as Vermont Pumpkin Carving Day.

By Representative Mrowicki and others,

H.C.R. 280.

House concurrent resolution designating March 25, 2010, as Afterschool Program Day at the state house.

By Representative Savage and others,

By Senators Brock and Kittell,

H.C.R. 281.

House concurrent resolution congratulating the 2010 Missisquoi Valley Union High School Thunderbirds Division II championship boys' ice hockey team.

By Representative Reis and others,

By Senators Choate and Kitchel,

H.C.R. 282.

House concurrent resolution congratulating the 2010 St. Johnsbury Academy Hilltoppers Division I championship girls' basketball team.

By Representatives Komline and Wilson,

By Senators Hartwell and Sears,

H.C.R. 283.

House concurrent resolution in memory of Burr & Burton Academy film and technology teacher Brian Gawlik.

By Representative Frank,

By Senator Racine,

H.C.R. 284.

House concurrent resolution honoring the outstanding efforts of those who care for, educate, and advocate for our young children in Vermont.

[The full text of the House concurrent resolutions appeared in the Senate calendar addendum for March 19, 2010, and, if adopted in concurrence by the House, will appear in the volume of the Public Acts and Resolves to be published for this session of the sixty-ninth biennial session of the Vermont General Assembly.]

Adjournment

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