

# Journal of the Senate

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TUESDAY, APRIL 12, 2016

The Senate was called to order by the President.

## **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.

## **Committee Relieved of Further Consideration; Bill Committed**

### **H. 560.**

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

An act relating to traffic safety,

and the bill was committed to the Committee on Transportation.

## **Committee Relieved of Further Consideration; Bill Committed**

### **H. 610.**

On motion of Senator Flory, the Committee on Institutions was relieved of further consideration of House bill entitled:

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

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

## **Bill Referred to Committee on Appropriations**

### **H. 529.**

House bill of the following title, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule, was referred to the Committee on Appropriations:

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

**Bill Referred**

House bill of the following title:

**H. 877.** An act relating to transportation funding.

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Finance.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 51.**

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. 51.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

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

**Rules Suspended; Bill Committed****H. 629.**

House bill entitled:

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

Was taken up.

Thereupon, pending the reading of the report of the Committee on Government Operations, Senator White moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Appropriations with the report of the Committee on Government Operations *intact*,

Which was agreed to.

**Proposal of Amendment; Third Reading Ordered****H. 824.**

Senator Balint, for the Committee on Economic Development, Housing and General Affairs, to which was referred House bill entitled:

An act relating to the adoption of occupational safety and health rules and standards.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, 21 V.S.A. § 204, by striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 21 V.S.A. § 204 is amended to read:

§ 204. RULES AND PROCEDURE

(a)(1)(A) Unless the Commissioner has adopted or elects to adopt a rule or standard that exceeds the corresponding federal rule or standard, whenever the federal Occupational Safety and Health Administration promulgates a rule or standard related to safety or health, the Commissioner shall adopt a substantially identical rule or standard to take effect 180 days after the corresponding federal rule or standard is promulgated.

(B) The Commissioner shall provide at least 90 days' advanced public notice of the adoption of rules and standards related to safety and health pursuant to this subdivision (1).

(C) The provisions of 3 V.S.A. chapter 25 shall not apply to rules and standards related to safety and health that are adopted pursuant to this subdivision (1).

(2) ~~Chapter 25 of Title 3~~ Except as otherwise provided in subdivision (1) of this subsection, 3 V.S.A. chapter 25, relating to administrative procedure, shall apply to this chapter and the VOSHA Code, including any rules and standards related to safety and health that are adopted by the Commissioner and exceed the corresponding rules or standards promulgated by the federal Occupational Safety and Health Administration.

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Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs?, Senator Balint moved to amend the proposal of amendment of the Committee on Economic Development, Housing and General Affairs in Sec. 1, 21 V.S.A. § 204, by striking out subdivision (a)(1)(C) and inserting in lieu thereof a new subdivision (a)(1)(C) to read as follows:

(C) The provisions of 3 V.S.A. chapter 25 shall not apply to the adoption of rules and standards related to safety and health pursuant to this subdivision (1).

Which was agreed to.

Thereupon, the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs, as amended? was agreed to.

Thereupon, third reading of the bill was ordered.

### **Proposal of Amendment; Third Reading Ordered**

#### **H. 640.**

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

An act relating to expenses for the repair of town cemeteries.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, 18 V.S.A. § 5362 by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) When lots or walks in a public burial ground become unsightly with weeds or by an unchecked growth of grass or from any other cause, or when headstones or monuments have become displaced or out of repair, the ~~selectmen~~ selectboard or board of cemetery commissioners shall cause such lots and walks to be cleared of weeds and grass, the headstones or monuments to be replaced or repaired, or other disfigurements removed, and may draw orders on the town treasurer for the expenses incurred. ~~The amount drawn from the treasury of a town for such purpose in any year shall not exceed \$500.00.~~

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

### **Message from the House No. 50**

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

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

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

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**S. 171.** An act relating to eligibility for pretrial risk assessment and needs screening.

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

The House has adopted joint resolution of the following title:

**J.R.H. 25.** Joint resolution requesting the governors of the 19 states that have suspended state implementation planning to continue the compliance process under the Environmental Protection Agency's Carbon Pollution Emission Guidelines.

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

The House has considered Senate proposal of amendment to the following House bill:

**H. 531.** An act relating to aboveground storage tanks.

And has severally concurred therein.

The Governor has informed the House that on April 8, 2016, he approved and signed bills originating in the House of the following titles:

**H. 548.** An act relating to extraordinary dividends for life insurers.

**H. 575.** An act relating to eliminating the role of town service officers in administering General Assistance benefits.

### **Adjournment**

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