

# Journal of the Senate

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THURSDAY, JANUARY 8, 2009

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Reverend David M. Hall of Montpelier.

## 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. 6.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, January 9, 2009, it be to meet again no later than Tuesday, January 13, 2009.

## Recess

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

## Called to Order

At nine o'clock and fifty-nine minutes the Senate was called to order by the President.

## Joint Assembly

At ten o'clock, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

The Senate repaired to the hall of the House.

Having returned therefrom, at ten o'clock and ten minutes, the President assumed the Chair.

### Recess

On motion of Senator Shumlin the Senate recessed until ten o'clock and forty-five minutes.

### Called to Order

At ten o'clock and fifty minutes the Senate was called to order by the President.

### Standing Committees Appointed

The President *pro tempore*, on behalf of the Committee on Committees, reported the appointment of the standing committees, as follows:

#### Agriculture

A.M.	Senator Kittell, Chair Giard, Vice-Chair Bartlett Starr Choate	Room 26
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#### Appropriations

P.M.	Senator Bartlett, Chair Kitchel, Vice-Chair Illuzzi Miller Sears Snelling Shumlin	Room 5
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#### Economic Development, Housing and General Affairs

A.M.	Senator Illuzzi, Chair Miller, Vice-Chair Racine Carris Ashe	Room 27
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#### Education

P.M.	Senator Starr, Chair Doyle, Vice-Chair Giard Nitka Brock	Room 28
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**Finance**

P.M. Senator Cummings, Chair Room 6  
Ayer, Vice-Chair  
MacDonald,  
Maynard  
McCormack  
Carris  
Hartwell

**Government Operations**

A.M. Senator White, Chair Room 4  
Doyle, Vice-Chair  
Ayer  
Flanagan  
Brock

**Health and Welfare**

P.M. Senator Racine, Chair Room 17  
Flanagan, Vice-Chair  
Lyons  
Mullin  
Kittell  
Choate

**Institutions**

P.M. Senator Scott, Chair Room 7  
Mazza, Vice-Chair  
Campbell  
White  
Ashe

**Judiciary**

A.M. Senator Sears, Chair Room 1  
Campbell, Vice-Chair  
Cummings  
Mullin  
Nitka

**Natural Resources and Energy**

A.M.                      Senator Lyons, Chair                      Room 8  
                                    MacDonald, Vice-Chair  
                                    Snelling  
                                    McCormack  
                                    Hartwell

**Transportation**

A.M.                      Senator Mazza, Chair                      Room 3  
                                    Scott, Vice-Chair  
                                    Maynard  
                                    Shumlin  
                                    Kitchel

**Recess**

On motion of Senator Shumlin the Senate recessed until eleven o'clock and twenty-five minutes.

**Called to Order**

At eleven o'clock and twenty-seven minutes the Senate was called to order by the President pro tempore.

**Incoming President Takes Oath of Office**

Senator Doyle moved that the President *pro tempore* appoint a Committee of two Senators to wait upon His Excellency, Brian E. Dubie, Lieutenant Governor-elect, and escort him to the bar of the Senate.

Which was agreed to.

Thereupon, the President *pro tempore* appointed as members of such Committee

Senator Doyle  
Senator Mazza

The Committee appointed to wait upon His Excellency, Brian E. Dubie, Lieutenant Governor-elect, performed the duties assigned to it and appeared at the bar of the Senate accompanied by His Excellency, Brian E. Dubie, who took and subscribed the oath of office required by the Constitution from the Senator from Washington District, Senator William T. Doyle.

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**Remarks of Incoming Lieutenant Governor Brian E. Dubie Journalized**

Thereupon, the incoming President addressed the Senate, assuring his full cooperation and accommodation on a nonpartisan and objective basis, and, on motion of Senator Doyle, his remarks were ordered entered in the Journal, and are as follows:

Remarks delivered by Lieutenant Governor Brian Dubie to the Vermont State Senate, after taking the oath of office on January 8, 2009:

“To my wife Penny, my daughters Emily and Casey and other members of my family, thank you for being here.

“Senator Shumlin, members of the Vermont Senate, and special guests:

“I would like to welcome you to the Vermont Senate. Thank you for coming to share our commencement of the 70<sup>th</sup> Biennial Session of the Vermont Legislature. We are excited to start our important work together.

“Before we get started, I’d like to share a story with you.

“My wife Penny wanted a dog. I said, “Let’s talk about it.” When I returned from a three day airline trip, I saw a dog tied up on our front lawn. “I guess we decided to get a dog,” I concluded. Penny adopted this dog at the humane society.

“The next morning I was determined to go ice fishing with my kids and I thought I might as well bring the dog. Dressing three young kids for a day on the ice and loading the gear is quite an undertaking, but I got it done.

“As we started out on the ice, I had Emily by the hand and my youngest in a knapsack. I put my son Jack in a red tub which I pulled by a rope. Being a real smart guy, I figured, “Why not put my dog to work and tie him to the tub?” So holding back the dog, pulling Jack, holding Emily’s hand and carrying Matt -- we started out onto the ice.

“Things were going pretty well until about halfway to my brother’s fishing shanty, when another huge dog showed up. I thought, “This might get interesting.”

“I encouraged the other dog to move along -- which he did. My dog was interested in following his new friend -- which he did. At some point in this excitement, I let go of my dog’s rope which was tied to my son.

“I watched with great interest as my son and dog ran at full speed over the ice. My concern grew as I watched them run beyond the shanty, toward -- as this was early in the year -- open water. As I yelled “Hey Dog!” I thought to myself, I don’t even know this dog’s name.”

“I was relieved that the dog did turn away from the water and I was able to catch up with him.

“I learned an important lesson that day: if you are going work with someone, you’d better get to know them.

“At the very least – you’d better get to know their names.

“In that spirit, we have three new State Senators here today who took the oath of office for the first time yesterday:

“The junior senator from Chittenden District, Tim Ashe;

“The junior senator from Franklin District, Randy Brock;

“And the junior senator from Caledonia District, Matt Choate.

“Welcome, gentlemen, to the Vermont State Senate. We look forward to getting to know each of you. We look forward to working closely with you as we confront some pretty big challenges over the coming months.

“As we work together let us be encouraged by three powerful words: “Yes, we can.”

“President-elect Barack Obama inspired millions of Americans with these three words; his election to the presidency is truly historic.

“As Americans, we should all reflect on the sheer hopefulness that his election has brought to Americans, and to people all around to world.

“My daughter Emily, who is here today, just came home from 4 months in Egypt and Israel. She tells me that despite vast differences on many issues in the Middle East, most people agree on one thing: that the election of Barack Obama is a good thing.

“I hope and pray for his success as he leads our great nation forward.

“We as a nation will need his words “Yes, we can”, as we confront our economic challenges.

“Along with Governor Douglas and each one of you, I look forward to working with our new President and his administration to unify and strengthen our nation and our state.

“We have faced great challenges in our past. Some have faced much harder challenges than we face today. A special Vermonter is here with us today – a Vermonter who lived through hardship unimaginable to you and me. Major Francis Angers was shot down over Germany in World War II, and spent 7 long months in a German POW camp. His service and his strength should serve as an inspiration to us all.

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“This afternoon Governor Douglas will outline his proposed Economic Growth Plan. His proposed reforms include: Green Growth Zones, a Smart Grid for Vermont, an Innovation Challenge, R&D Tax Credits, Opportunity Zones, Urban Homesteads and Common Sense Permit Reform.

“I know that you all will do your best to study his reform proposals. I am also certain that you will do your best to improve them and pass them.

“I am confident of this because that is what we did together in the closing days of last year’s legislative session. We worked together -- and even adjourned early. Yes, we can.

“We will also need to ensure that our plans are in harmony with our congressional delegation’s. Senator Bartlett, Senator Illuzzi and Senator Mazza have already initiated these conversations.

“Our goal must be to make reforms to speed our recovery from this economic downturn and to enable us to be stronger when we do recover. We can encourage emerging industries and businesses to make Vermont their home, and provide opportunities for our young people.

“We have received strong guidance from President-elect Obama.

“Governor Douglas shared this conversation with the President-elect, who said to him, “Governor, we are going craft a stimulus package, but you need to go back to Vermont and make sure it does not get bogged down in red tape.”

“I would like to recognize a Vermonter with a vision, who has been fighting a lot of red tape.

“Jim Harrison and his family are here today. The Harrison family wants to produce clean wind energy on a hill top in Milton, Vermont. Jim and his family believe strongly in energy independence and protecting our environment. In addition, Jim wants to grow jobs around this green and growing sector. Jim, thank you for your vision and commitment. We want to help you with the red tape.

“As many of you know, I am a commercial airline pilot. We do things differently in aviation. Here is a practice that may be helpful as we approach common-sense permit reform.

“I am certified by the FAA to fly in zero-ceiling and 600-foot visibility conditions. Every nine months, I have to demonstrate to the FAA that I am proficient to fly in these weather conditions. Because I am pre-certified by the FAA, on a dark and stormy night when getting landing clearance, I do not have to call up FAA headquarters and ask for a permit to land under these special landing conditions. The job of the FAA is to work proactively with the airlines on certification standards and to provide oversight.

“We could provide certification standards for wind projects, cellular communication towers, storm water systems, septic systems, and bridge and road projects. President Obama has said, “Let’s eliminate the red tape,” and this reform would.

“Right now we have hard-working state employees, dealing with a complex permit process and a tsunami of paper. Let’s transform the way we do business.

“Senator Bartlett, you and your committee have a very difficult job. We will all need to work together to craft a budget that the people of our state can afford, that is compassionate and that invests in people and infrastructure to make our state stronger.

“We know it will be hard work to build consensus and a budget based on shared priorities, while revenues are dramatically shrinking -- but yes, we can do this.

“Our budget challenges will force us to seek new ways of doing business. Here are a few ideas that I have heard from Vermonters.

“In Massachusetts when there’s a big snowstorm, the state calls up a ready reserve to assist the state with clearing the snow from their roads. This allows for a better utilization of hard working road crews and would save us money.

“Let’s standardize and accelerate the use of prefabricated bridges. In Manchester, Vermont, last summer, they replaced a critical bridge over the Battenkill River with a prefabricated bridge. The entire replacement took just eleven days and saved money.

“We have a great Buy Local campaign here in Vermont. As a matter of fact, Vermonters purchase more locally than people in any other state.

“As a Vermont organic sugar maker, I love the Buy Local concept.

“In fact, I think we should expand it, and ask IBM to bid on a proposal to simplify and consolidate state IT services.

“IBM – our state’s largest commercial employer -- donates more annually to charities in our state than we buy from them in services!

“Let’s build collaboration with IBM, the Vermont Software Alliance, our state IT department and Champlain College and co-develop a new state-of-the-art municipal service software solution.

“How about contracting with Vermont’s Native American crafters to operate the Swanton I-89 Rest Area, where they could also reap benefits from the sales of their handcrafted products and allow other solutions at other rest areas and save us money.



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“As I have said, my other job is as a pilot for American Airlines. We have a program at American called Ideas in Action. It has generated a company-wide spirit of innovation by offering cash rewards for employees who suggest cost-saving ideas that are accepted and implemented.

“In its first year, the program generated 49,000 suggestions, of which about 4,600 were implemented – for a total cost savings of about \$58 million. With those savings we bought a brand new 50-million-dollar Boeing 757. More recently those savings paid for a new, 150-million-dollar Boeing 777.

“I say, our Vermont state employees can generate cost-saving ideas to help our state, too.

“We in state government must provide a safety net for society. Our safety nets must be crafted more like a trampoline than a spider web. And as we confront our budgetary crisis we are going to need help.

“We are going to need our churches and faith communities to do the Lord’s work, helping Vermonters who have lost a job or lost hope. We are more than ever going to need our service clubs and community groups to continue to do the great work that they do. We need communities to pull together. We need families to pull together. Yes, together we can.

“A critically important function of government is to protect the public.

“We write laws in this building, but real people dedicate their service to enforce the laws we write. I would like to recognize two of those public servants today. Our U.S. Attorney is Tom Anderson. It has been my privilege to work closely with Tom for the last five years. Tom, you are a true public servant and I thank you for your leadership.

“Next I would like to recognize Vermont State Police Lt. Bill Harkness. The night of the Brooke Bennett vigil in Randolph in early July, I had a conversation with Bill that I would like to share. I noticed Bill’s hand was recently bandaged and he was in obvious pain. I said, “Bill, I recommend that you go home.” He turned to me and said, “Lt. Governor, this is my community. I feel it is important for me to show support for the family and the community. I can deal with the pain.” I want to thank all our law enforcement officials, firefighters, and members of the national guard who every day put on a uniform and serve their communities just like Lt. Harkness.

“This year, the people of our state have also called upon us to strengthen our laws to better protect our children. Senator Sears, I would like to thank you and your committee for crafting a good package of reforms. The legislature should pass these laws to better protect our children. Yes, we must. Yes, we can.

“Many of you have heard me talk about Vermont’s opportunity in Green Tech and the Clean Tech sector. I would like to give one example of Vermont’s leadership in this growing enterprise.

“In April of 2005, a bill came before the Senate that intended to limit mercury exposure in our state. I supported the bill. But an amendment was proposed that would have closed a long-time Bennington employer, Energizer. They made hearing aid batteries that contained small amounts of mercury.

“I cast the tie-breaking vote against the amendment, and it failed – and the 180 families of Energizer’s 180 employees breathed a huge sigh of relief. I visited them in Bennington the next day. A lady by the name of Connie who had worked in that factory for 38 years grabbed me by the arm and said, “Lt. Governor Dubie, I want to thank you for saving my job.” I facilitated a connection with researchers at UVM and Norwich. We worked with Energizer to help them find a way to produce a mercury-free battery.

“I am pleased to announce that this past October, in Bennington, Energizer introduced its new zero-mercury hearing aid battery. It is great news for the whole planet, and those batteries were developed and are produced right here in Vermont.

“Those jobs could have gone out of state or off-shore, where someone else would have to deal with mercury. Instead, Energizer took the lead and is now the sole producer of mercury free hearing aid batteries in the world. They are now transferring this technology into other battery products.

“Energizer is a great example of a Green Tech, Green Valley Vermont Company. It’s about building our state’s economy on green engineering and environmental problem-solving. But it’s also about embracing our challenges with a positive, can-do attitude. It’s about saying, “Yes we can”.

“Senator Hartwell and I were at Energizer when the new battery was introduced last October, but Senator Sears couldn’t attend.

“So I have a couple of things for you, Senator Sears, from your constituents at Energizer. (An Energizer Bunny and packet of Energizer zero-mercury hearing aid batteries). The people of Bennington, the employees at Energizer and their families, and the people of Vermont appreciate your leadership.

“Ladies and gentlemen, we have the opportunity to serve our state.

“We all can make a difference. Yes, we can.

“Those are three very powerful words.

“Three other words, dear to Vermonters, were first used as the motto of the Vermont Republic by Ira Allen in 1788: Freedom and Unity.

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“Nine years later, our first governor, Thomas Chittenden, echoed those words in his own epitaph: "Out of storm and manifold perils rose an enduring state, the home of freedom and unity."

“Vermonters will weather the current storm together, and emerge a freer, stronger, more caring and more unified state. Yes, we can.”

**Adjournment**

On motion of Senator Shumlin, the Senate adjourned until one o'clock and fifty-five minutes in the afternoon.

**Afternoon**

The Senate was called to order by the President.

**Joint Assembly**

At two o'clock, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at three o'clock and thirty minutes, the President assumed the Chair.

**Adjournment**

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