

Journal of the Senate

FRIDAY, JANUARY 9, 2009

The Senate was called to order by the President.

Devotional Exercises

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

Message from the House No. 3

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 5. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

And has adopted the same in concurrence.

The House has adopted House concurrent resolution of the following title:

H.C.R. 1. House concurrent resolution in memory of Representative James Hutchinson of Randolph.

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

Bills Introduced

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

S. 1.

By Senator Sears,

An act relating to access to medical records by a decedent's spouse.

To the Committee on Health and Welfare.

S. 2.

By Senator Sears,

An act relating to offenders with a mental illness or other functional impairment.

To the Committee on Judiciary.

S. 3.

By Senator Sears,

An act relating to prohibiting retaliation for legislative testimony.

To the Committee on Judiciary.

S. 4.

By Senator Sears,

An act relating to the issuance of GARVEE bonds for certain transportation capital projects.

To the Committee on Transportation.

S. 5.

By Senator Sears,

An act relating to accidents involving an on-duty law enforcement officer, firefighter, or emergency medical personnel.

To the Committee on Transportation.

S. 6.

By Senators Illuzzi, Brock and Kittell,

An act relating to use of holding cells at the Northwest State Correctional facility by Franklin County law enforcement officers.

To the Committee on Institutions.

S. 7.

By Senator Mullin,

An act to prohibit the use of lighted tobacco products in the workplace.

To the Committee on Health and Welfare.

S. 8.

By Senator Mullin,

An act relating to consolidation of supervisory unions.

To the Committee on Education.

S. 9.

By Senator Mullin,

An act relating to requiring an integrated financial management system in school districts and supervisory unions.

To the Committee on Education.

S. 10.

By Senator Mullin,

An act relating to joint tenancy.

To the Committee on Judiciary.

S. 11.

By Senators Mullin and Sears,

An act relating to automated external defibrillators.

To the Committee on Judiciary.

S. 12.

By Senator Illuzzi,

An act relating to not requiring the physical presence of a defendant or offender at certain court proceedings.

To the Committee on Judiciary.

S. 13.

By Senators Campbell, Cummings, Mullin, Nitka, Sears and Shumlin,

An act relating to improving Vermont's sexual abuse response system.

To the Committee on Judiciary.

S. 14.

By Senator Mullin,

An act relating to expanding the scope of the beverage container redemption law.

To the Committee on Natural Resources and Energy.

S. 15.

By Senator Mullin,

An act relating to employment protection for volunteer firefighters.

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

**Message from the Governor
Appointments Referred**

A message was received from the Governor, by Heidi M. Tringe, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Neale F. Lunderville of Burlington- Secretary, Agency of Administration, - from August 23, 2008, to February 28, 2009.

To the Committee on Government Operations.

David Dill of Lyndonville - Secretary, Agency of Transportation, - from August 23, 2008, to February 28, 2009.

To the Committee on Transportation.

Shelley J. Gartner, Esq. of Rutland - Magistrate, Vermont Family Court, - from October 1, 2008, to September 30, 2014.

To the Committee on Judiciary.

Mary Gleason Harlow, Esq. of Clarendon - Magistrate, Vermont Family Court, - from October 1, 2008, to September 30, 2014.

To the Committee on Judiciary.

Christine A. Hoyt, Esq. of Tunbridge - Magistrate, Vermont Family Court, - from October 1, 2008, to September 30, 2014.

To the Committee on Judiciary.

Jonathan Wood of Cambridge - Secretary, Agency of Natural Resources, - from November 7, 2008, to February 28, 2009.

To the Committee on Natural Resources and Energy.

Robert D. Hofmann of Waterbury - Secretary, Agency of Human Services, - from November 23, 2008, to February 28, 2009.

To the Committee on Health and Welfare.

William A. Noyes of Barre - Commissioner, Department of Housing and Community Affairs, - from September 22, 2008, to February 28, 2009.

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

Wendy Davis, M.D. of Burlington - Commissioner, Department of Health, - from August 18, 2008, to February 28, 2009.

To the Committee on Health and Welfare.

Bethany Bishop of Montpelier - Commissioner, Department of Economic Development, Housing and General Affairs, - from November 24, 2008, to February 28, 2009.

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

Jason Gibbs of Duxbury - Commissioner, Department of Forests, Parks and Recreation, - from November 24, 2008, to February 28, 2009.

To the Committee on Natural Resources and Energy.

Andrew A. Pallito of Jericho - Commissioner, Department of Corrections, - from December 31, 2008, to February 28, 2009.

To the Committee on Institutions.

Leo O. Larocque of Whiting - Member of the Electricians Licensing Board, - from May 15, 2008, to June 30, 2009.

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

Robert Williams of Poultney - Member of the Electricians Licensing Board, - from May 15, 2008, to June 30, 2009.

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

Steven V. Goodrich of North Bennington - Member of the Plumbers Examining Board, - from May 15, 2008, to February 28, 2011.

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

Thomas D. Nesbitt of Waterbury Center - Member of the Plumbers Examining Board, - from May 15, 2008, to February 28, 2009.

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

Edward J. Gallo of Richmond - Member of the Fish and Wildlife Board, - from May 28, 2008, to February 28, 2014.

To the Committee on Natural Resources and Energy.

Grant H. Spates of Derby Line - Member of the Fish and Wildlife Board, - from November 14, 2008, to February 28, 2011.

To the Committee on Natural Resources and Energy.

Thomas Pelletier of Montpelier - Member of the Vermont Housing Finance Agency, - from May 1, 2008, to January 31, 2011.

To the Committee on Finance.

Steven J. Bourgeois of Swanton - Member of the Vermont Economic Development Authority, - from July 1, 2008, to June 30, 2014.

To the Committee on Finance.

Susan D. Plaustainer of Brownsville - Member of the Vermont Economic Development Authority, - from July 1, 2008, to June 30, 2014.

To the Committee on Finance.

Rachel Schumacher of North Bennington - Member of the Vermont Economic Development Authority, - from July 1, 2008, to June 30, 2014.

To the Committee on Finance.

Thomas M. Crowley of South Burlington - Member of the State Police Advisory Commission, - from July 1, 2008, to June 30, 2012.

To the Committee on Government Operations.

Ugo Sartorelli of Barre - Member of the State Police Advisory Commission, - from July 1, 2008, to June 30, 2012.

To the Committee on Government Operations.

Nancy Sheldon of South Burlington - Member of the State Police Advisory Commission, - from December 15, 2008, to February 28, 2010.

To the Committee on Government Operations.

Richard Bailey of Hyde Park - Member of the Vermont Lottery Commission, - from July 1, 2008, to February 28, 2011.

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

Martha O'Connor of Brattleboro - Member of the Vermont Lottery Commission, - from July 1, 2008, to February 28, 2011.

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

Benjamin R. O'Brien of South Burlington - Member of the Occupational Safety and Health Review Board, - from June 27, 2008, to February 28, 2009.

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

Mary C. Marzec-Gerrior of Pittsford - Member of the Human Rights Commission, - from August 1, 2008, to February 28, 2013.

To the Committee on Judiciary.

James Kiehle of Brattleboro - Member of the State Labor Relations Board, - from September 2, 2008, to June 30, 2014.

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

David Marvin of Hyde Park - Member of the Sustainable Jobs Fund Board of Directors, - from September 18, 2008, to August 31, 2009.

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

Bruce Shields of Wolcott - Member of the Sustainable Jobs Fund Board of Directors, - from November 27, 2008, to August 31, 2010.

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

James Stewart of Pittsford - Member of the Sustainable Jobs Fund Board of Directors, - from September 1, 2008, to August 31, 2013.

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

Russ Hutchins of St. Johnsbury - Member of the Human Services Board, - from October 28, 2008, to February 28, 2009.

To the Committee on Health and Welfare.

David A. Jenkins of Burlington - Member of the Board of Medical Practice, - from January 1, 2009, to December 31, 2013.

To the Committee on Health and Welfare.

Margaret F. Martin of Middlebury - Member of the Board of Medical Practice, - from January 1, 2009, to December 31, 2011.

To the Committee on Health and Welfare.

John J. Murray, M.D. of Colchester - Member of the Board of Medical Practice, - from January 1, 2009, to December 31, 2013.

To the Committee on Health and Welfare.

Robert R. Rinaldi, DPM of Chelsea - Member of the Board of Medical Practice, - from January 1, 2009, to December 31, 2013.

To the Committee on Health and Welfare.

Janice E. Ryan of South Burlington - Member of the Board of Medical Practice, - from January 1, 2009, to December 31, 2013.

To the Committee on Health and Welfare.

Toby Sadkin, M.D. of St. Albans - Member of the Board of Medical Practice, - from January 1, 2009, to December 31, 2013.

To the Committee on Health and Welfare.

William H. Stouch, M.D. of Burlington - Member of the Board of Medical Practice, - from January 1, 2009, to December 31, 2013.

To the Committee on Health and Welfare.

Peter Thomashow, M.D. of Strafford - Member of the Board of Medical Practice, - from to January 1, 2009, to December 31, 2013.

To the Committee on Health and Welfare.

Florence Young of Montpelier - Member of the Board of Medical Practice, - from January 1, 2009, to December 31, 2013.

To the Committee on Health and Welfare.

Senate Resolution Referred

S.R. 5.

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

By Senator Cummings,

Senate resolution urging support for the Day One Initiative to close the Guantanamo prison, stop torture of detainees, and end the United States government's policy of extraordinary rendition.

Whereas, terrorists hijacked four airplanes on Sept. 11, 2001, crashing two into the World Trade Center towers in New York City, one into the Pentagon, and one into a rural Pennsylvania field, and

Whereas, the federal government immediately began searching for the perpetrators of these violent actions, and

Whereas, an extra-territorial prison was established on United States controlled land at Guantanamo, Cuba, to hold and try alleged terrorists removed from the due process protections afforded detainees within the United States, and

Whereas, in violation of the Geneva Convention, torture has been used in the interrogation of detainees at the Guantanamo prison, and

Whereas, a practice known as “extraordinary rendition” has been used to seize, without warrants or other judicial orders, citizens of other countries and secretly transport them to foreign jails for interrogation, and these individuals have often been subject to torture, and

Whereas, these practices are inconsistent with American core values, and

Whereas, the Day One Initiative is a national effort to persuade President-elect Obama to close the Guantanamo Prison, stop torture of detainees, and end the practice of extraordinary rendition through the issuance of executive orders on the first day of his presidency, *now therefore be it*

Resolved by the Senate:

That the Senate of the state of Vermont urges President-elect Obama, on his first day in office, to adopt the Day One Initiative by issuing executive orders that the Guantanamo prison in Cuba be closed, that the torture of detainees stop, and that the practice known as “extraordinary rendition” be ended, and be it further

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to President-elect Obama and to the Vermont Congressional delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Judiciary.

House Concurrent Resolution Adopted

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

H.C.R. 1. House concurrent resolution in memory of Representative James Hutchinson of Randolph.

[The full text of the House concurrent resolution will appear in the volume of the Public Acts and Resolves to be published for this session of the seventieth biennial session of the Vermont General Assembly.]

Message from the House No. 4

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolutions originating in the Senate of the following titles:

J.R.S. 4. Joint resolution relating to Town Meeting adjournment.

J.R.S. 6. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Message from the House No. 5

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has appointed as members of the Joint Canvassing Committee on the part of the House to canvass votes for state officers:

Addison District	Bray of New Haven Clark of Vergennes Stevens of Shoreham
Bennington District	Miller of Shaftsbury Komline of Dorset Corcoran of Bennington
Caledonia District	Lawrence of Lyndonville Larocque of Barnet Leriche of Hardwick
Chittenden District	McCullough of Williston Wright of Burlington Zuckerman of Burlington

Essex-Orleans District	Rodgers of Glover Kilmartin of Newport City Peaslee of Guildhall
Franklin District	Consejo of Sheldon McAllister of Highgate Branagan of Georgia
Grand Isle District	Johnson of South Hero Condon of Colchester Brennan of Colchester
Lamoille District	Scheuermann of Stowe Nease of Johnson Martin of Wolcott
Orange District	Winters of Williamstown Davis of Washington French of Randolph
Rutland District	McNeil of Rutland Town Malcolm of Pawlet Courcelle of Rutland City
Washington District	McDonald of Berlin Minter of Waterbury Ancel of Calais
Windham District	Hube of Londonderry Edwards of Brattleboro Mrowicki of Putney
Windsor District	Haas of Rochester Pellett of Chester Adams of Hartland

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on January 13, 2009, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 6.