

Journal of the Senate

TUESDAY, APRIL 28, 2009

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mary Mansfield of Stowe.

Pledge of Allegiance

Pages Benson May and Louisa Jerome then led the members of the Senate in the pledge of allegiance.

Message from the House No. 66

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 passed House bill of the following title:

H. 446. An act relating to renewable energy and energy efficiency.

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

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

H. 287. An act relating to Uniform Prudent Management of Institutional Funds Act.

And has severally concurred therein.

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

S. 26. An act relating to recovery of profits from crime.

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. 26. Joint resolution relating to classified state employees.

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

Bill Referred to Committee on Finance**H. 86.**

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to the regulation of professions and occupations.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 146.

By Senator Hartwell,

An act relating to municipal authority to regulate products in the municipal waste stream.

To the Committee on Government Operations.

Bill Referred

House bill of the following title was read the first time and referred:

H. 446.

An act relating to renewable energy and energy efficiency.

To the Committee on Natural Resources and Energy.

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. 33. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, May 1, 2009, it be to meet again no later than Tuesday, May 5, 2009.

Joint Resolution Placed on Calendar**J.R.H. 26.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution relating to classified state employees.

Whereas, the executive branch and the Vermont State Employees' Association have made proposals to address the budgetary shortfall in state revenues, and

Whereas, it is extremely important that every effort be undertaken to continue the delivery of essential state services to the citizens of Vermont, and

Whereas, it appears that the executive branch and the Vermont State Employees' Association are at an impasse, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urgently requests that in an effort to resolve this impasse, the executive branch and the Vermont State Employees' Association enter into a mediation process with a completion date no later than May 5, 2009, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor James Douglas, Secretary of Administration Neale Lunderville, and Vermont State Employees' Association Executive Director Jes Kraus.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Senate Resolution Referred

S.R. 10.

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

By Senator Giard,

Senate resolution urging an indefinite suspension of the doe muzzle loading season in the F-1 Wildlife Management Subunit.

Whereas, 10 V.S.A. § 4081(c) provides that "an abundant healthy deer herd is a primary goal of fish and wildlife management," and

Whereas, an essential component of an abundant healthy deer herd is the presence of a sizeable population of mature male deer known as bucks, and

Whereas, there is strong anecdotal evidence that in the F-1 Wildlife Management Subunit (WMSU), which includes much of Addison County west of Route 7 and a southwestern section of Chittenden County, the buck population has decreased significantly in recent years, and

Whereas, the increasingly common destruction of wooded areas that had stood adjacent to many farm fields located in the F-1 WMSU has deprived deer of important territory in which they could grow to full maturity, and

Whereas, many fawns are killed within days of their birth due to being forced onto open hay fields because of the lack of any alternative cover and therefore placed in the direct path of agricultural spring haying operations, and

Whereas, the archery season and youth hunting weekend participants aim approximately two-thirds of their shots at fawns and does, further contributing to the decline of the buck population in the F-1 WMSU area, and

Whereas, notwithstanding these developments, the primary reason for the decline of bucks in the F-1 WMSU is the doe muzzle loading season that is provided for in 10 V.S.A. § 4084 and must occur annually “unless there is a scientific reason not to do so,” and

Whereas, the Fish and Wildlife Board, which is directed under 10 V.S.A. § 4082 to adopt rules implementing hunting and fishing seasons, has established a deer hunting muzzle loading season, “for the nine consecutive calendar days commencing on the first Saturday after the completion of the regular deer hunting season,” during which those with the requisite licenses and permits may hunt for deer “with at least one antler having two or more points” and for antlerless deer, and

Whereas, if the buck population in the F-1 WMSU is to be increased significantly, the opportunities to take either mature female does or female or male immature deer must be restricted indefinitely, *now therefore be it*

Resolved by the Senate:

That the Senate of the state of Vermont finds that the significant decline of mature bucks constitutes a scientific reason to suspend the doe muzzle loading season in the F-1 Wildlife Management Subunit, *and be it further*

Resolved: That the Senate of the state of Vermont requests the Fish and Wildlife Board to suspend indefinitely the muzzle loading season in the F-1 Wildlife Management Subunit until there is documented evidence of a significant increase in the number of bucks in the unit, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to the Fish and Wildlife Board.

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

Senate Resolution Adopted

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

By Senators Kittell and Lyons,

S.R. 11. Senate resolution commemorating equal pay day.

Whereas, over 40 years after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women and people of color continue to suffer the consequences of inequitable pay differentials, and

Whereas, in 1996, the National Committee on Pay Equity established Equal Pay Day to illustrate the gap between the wages of men and women, and

Whereas, the day is observed on a Tuesday in April to reflect the time of the year a woman must work to earn as much as a man did in the prior year, and in 2009, Equal Pay Day is being observed on April 28, and

Whereas, the Vermont Commission on Women's latest pay status report indicates that in 2008, Vermont's full-time working women earned 81.5 percent of their male counterpart's compensation, and

Whereas, over a working lifetime, this wage disparity costs the average American woman and her family \$700,000.00 to \$2 million in lost wages, affecting Social Security and pension benefits significantly, and

Whereas, members of the Vermont Business and Professional Women are visiting the state house today to call special attention to the persistent gap between the compensation that men and women earn for comparable work, and they are wearing red to symbolize women being in the red, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont commemorates Equal Pay Day and expresses its continuing support for women being compensated as equally as men are for comparable work, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to Kim Bina, president of Vermont Business and Professional Women.

Consideration Postponed

Senate bill entitled:

S. 99.

An act relating to amending the Act 250 criteria relating to traffic, scattered development, and rural growth areas.

Was taken up.

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

Consideration Postponed

House bill entitled:

H. 249.

An act relating to volunteer nonprofit service organizations and casino nights.

Was taken up.

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

Bill Passed in Concurrence

H. 64.

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

An act relating to eligibility for the state youth hunting programs.

Proposals of Amendment; Third Reading Ordered

H. 6.

Senator McCormack, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to the sale of engine coolants and antifreeze.

Reported recommending that the Senate propose to the House to amend the bill as follows

First: In Sec. 2, 9 V.S.A. § 2843, by striking out the last sentence and inserting in lieu thereof the following:

This section does not provide immunity to any person to the extent that the cause of liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze

Second: In Sec. 2, 9 V.S.A. § 2844, by striking out § 2844 in its entirety and inserting in lieu thereof a new § 2844 to read as follows:

§ 2844. EXCEPTIONS

This subchapter does not apply to:

(1) The sale of a motor vehicle that contains engine coolant or antifreeze; or

(2) Antifreeze or engine coolant for use in a manufacturing process, provided that the manufacturer complies with occupational safety and health standards for the use of the antifreeze or engine coolant and complies with the agency of natural resources for the disposal of antifreeze or engine coolant containing ethylene glycol.

And that the bill ought to pass in concurrence with such proposals of amendment.

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

Joint Resolution Adopted on the Part of the Senate

J.R.S. 31.

Joint Senate resolution entitled:

Joint resolution urging Congress to address the dramatic rise of electronic payment interchange rates that merchants and consumers are assessed.

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

Joint Resolution Referred

J.R.S. 32.

Joint Senate resolution entitled:

Joint resolution authorizing the commissioner of forests, parks and recreation to enter into land exchanges and to sell a portion of Camel's Hump State Park.

Having been placed on the Calendar for action, was taken up and pending the question, Shall the joint Senate resolution be adopted on the part of the Senate?, on motion of Senator Scott, the joint resolution was referred to the Committee on Institutions.

Senate 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 on the part of the Senate:

By Senators Doyle, Cummings, Nitka and Scott,

S.C.R. 22.

Senate concurrent resolution congratulating the Agency of Agriculture, Food and Markets' "Agriview" newspaper on its 70th anniversary.

By Senators Maynard, Carris, Mullin, Ashe, Ayer, Brock, Campbell, Cummings, Doyle, Giard, Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Miller, Nitka, Racine, Scott, Sears, Shumlin, Snelling, Starr and White,

By Representative Smith and others,

S.C.R. 23.

Senate concurrent resolution in memory of Andrea Mead Lawrence.

By Senator Lyons,

S.C.R. 24.

Senate concurrent resolution in memory of University of Vermont Professor Emeritus Everett W. Harris of Charlotte.

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 Pugh and others,

H.C.R. 120.

House concurrent resolution congratulating Jay Hoffman and his students who produce the South Burlington Network News at Frederick H. Tuttle Middle School.

By Representative Bohi and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 121.

House concurrent resolution congratulating the Hartford High School debaters participating in the national forensic championship.

By Representative Marek and others,

By Senators Shumlin and White,

H.C.R. 122.

House concurrent resolution congratulating Grace Cottage Hospital on its 60th anniversary.

By Representative Obuchowski and others,

H.C.R. 123.

House concurrent resolution congratulating Pat and Alan Fowler as recipients of the 2009 Great Falls Regional Chamber of Commerce Persons of the Year award.

By Representative Obuchowski and others,

H.C.R. 124.

House concurrent resolution honoring Rose Fowler for her innovative leadership at Greater Rockingham Area Services Inc.

By Representatives Moran and Hube,

H.C.R. 125.

House concurrent resolution honoring Dover School principal Susan Mach for her career contributions to public education.

By Representatives Kitzmiller and Hooper,

By Senators Doyle, Cummings and Scott,

H.C.R. 126.

House concurrent resolution in memory of Margaret Jean George of Montpelier.

By Representative Pugh and others,

H.C.R. 127.

House concurrent resolution congratulating the Rick Marcotte Central School teams that participated in the 2009 Vermont Odyssey of the Mind competition.

By Representative Condon and others,

By Senator Mazza,

H.C.R. 128.

House concurrent resolution congratulating Claussen Enterprises, Inc. of Colchester on being named the 2008 Vermont Retailer of the Year.

By Representative Acinapura,

H.C.R. 129.

House concurrent resolution congratulating John D. Dilts on the completion of his outstanding career in public education.

By Representative Burke and others,

H.C.R. 130.

House concurrent resolution congratulating Mike Friel on being named the 2009 Vermont Elementary School Principal of the Year.

By Representative O'Donnell,

H.C.R. 131.

House concurrent resolution congratulating Nick Gain of Vernon on being named the 2009 Vermont Boys & Girls Clubs Vermont State Youth of the Year.

By Representatives Hube and Komline,

H.C.R. 132.

House concurrent resolution congratulating the 2009 Green Up poster winners from the Flood Brook Union School in Londonderry.

By Representative Crawford,

H.C.R. 133.

House concurrent resolution congratulating Xin Hu of St. Johnsbury Academy on being named a 2009 Vermont student winner of the Siemens Award for Advanced Placement.

By Representative Crawford and others,

By Senators Choate and Kitchel,

H.C.R. 134.

House concurrent resolution congratulating Dr. Kimberly Silloway on her induction into the Vermont Principals' Association Hall of Fame.

By Representative Crawford and others,

By Senators Choate and Kitchel,

H.C.R. 135.

House concurrent resolution honoring the late James Burlingame on his posthumous induction into the Vermont Principals' Hall of Fame.

By Representative Mrowicki and others,

By Senators Shumlin and White,

H.C.R. 136.

House concurrent resolution congratulating the 2008-2009 two-year college All-Vermont Academic Team.

By Representative Miller and others,

By Senators Hartwell, Sears and Shumlin,

H.C.R. 137.

House concurrent resolution in memory of Dr. Elizabeth C. Faris.

By Representative Wilson and others,

By Senators Hartwell and Sears,

H.C.R. 138.

House concurrent resolution congratulating the Burr and Burton Academy Bulldogs 2009 Division II girls' championship basketball team.

By Representative Wilson and others,

By Senators Hartwell and Sears,

H.C.R. 139.

House concurrent resolution congratulating the Burr and Burton Academy Bulldogs 2009 Division II girls' championship ice hockey team.

By Representative Wilson and others,

By Senators Hartwell and Sears,

H.C.R. 140.

House concurrent resolution congratulating the Burr and Burton Academy Bulldogs 2009 championship boys' alpine ski team.

By Representative Wilson and others,

By Senators Hartwell and Sears,

H.C.R. 141.

House concurrent resolution congratulating the Burr and Burton Academy Bulldogs 2009 girls' championship snowboarding team.

By Representative Peltz and others,

H.C.R. 142.

House concurrent resolution honoring Vermont's elementary, middle, and secondary school principals and assistant principals and technical center directors on Vermont Principal Recognition Day at the state house.

Adjournment

On motion of Senator Shumlin, the Senate adjourned until four o'clock in the afternoon on Wednesday, April 29, 2009.