

# Journal of the Senate

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THURSDAY, FEBRUARY 4, 2010

The Senate was called to order by the President *pro tempore*.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Message from the House No. 16

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

And has adopted the same in concurrence.

The Governor has informed the House that on the February 2, 2010, he approved and signed a bill originating in the House of the following title:

**H. 515.** An act relating to LIHEAP income eligibility.

## Bill Introduced

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

**S. 281.**

By Senator Hartwell,

An act relating to carrying of concealed firearms by qualified retired law enforcement officers.

To the Committee on Judiciary.

## Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

**S. 282.**

By the Committee on Transportation,

An act relating to updating and clarifying provisions regarding commercial driver licenses and commercial motor vehicles.

**Bills Introduced**

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

**S. 283.**

By Senators Mazza and Scott,

An act relating to amending miscellaneous motor vehicle laws, eliminating the motorcycle rider training program advisory committee, and repealing the interstate compact for motor vehicle safety equipment.

To the Committee on Transportation.

**S. 284.**

By Senator Flory,

An act relating to express assumption of risk and release from liability.

To the Committee on Judiciary.

**S. 285.**

By Senator Kittell,

An act relating to authorizing a health insurance purchasing association for farmers.

To the Committee on Agriculture.

**Third Reading Ordered****S. 280.**

Senate committee bill entitled:

An act relating to prohibiting texting while operating on a highway.

Having appeared on the Calendar for notice for one day, was taken up.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be read a third time?, Senator Scott moved to amend the bill as follows:

First: In Sec. 1, subsection (c), by striking out the words “for a first conviction” and inserting in lieu thereof the words upon adjudication of a first violation

Second: In Sec. 1, subsection (c), by striking out the words “for a second or subsequent conviction” and inserting in lieu thereof the words upon adjudication of a second or subsequent violation

Third: In Sec. 2, subsection (a), by striking out the fourth sentence in its entirety and inserting in lieu thereof the following:

The commissioner shall also recall any learner’s permit or junior operator’s license for 30 days when an operator is adjudicated of a single texting violation under section 1099 of this title, 90 days following adjudication of a single speeding violation resulting in a three-point assessment of, 90 days when a total of six points has been accumulated, or 90 days when an operator is convicted for adjudicated of a violation of section 678 of this title.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

**Proposal of Amendment; Bill Passed in Concurrence with Proposals of Amendment**

**H. 534.**

House bill entitled:

An act relating to fiscal year 2010 budget adjustment.

Was taken up.

Thereupon, pending third reading of the bill, Senator Bartlett moved that the Senate propose to the House to amend the bill as follows:

First: By striking out Sec. 46 in its entirety and inserting in lieu thereof a new Sec. 46 to read as follows:

Sec. 46. DELETED

Second: In Sec. 49, by striking out the figure “19,115,745” where it appears twice and inserting in lieu thereof the figure 19,094,794 and by striking out the figure “16,361,710” and inserting in lieu thereof the figure 16,340,759 and by striking out the figure “3,043,197” and inserting in lieu thereof the figure 3,022,246

Third: In Sec. 50, by striking out the figure “65,354,476” where it appears twice and inserting in lieu thereof the figure 65,333,525 and by striking out the figure “12,715,861” and inserting in lieu thereof the figure 12,694,910

Fourth: By striking out Sec. 64 in its entirety and inserting in lieu thereof a new Sec. 64 to read as follows:

Sec. 64. Sec. 19 of No. 61 of the Acts of 2009 is amended to read:

Sec. 19. 8 V.S.A. § 4080f is amended to read:

§ 4080f. CATAMOUNT HEALTH

(a) As used in this section:

\* \* \*

(II)(aa) A self-employed individual who was insured through the nongroup market whose insurance coverage ended as the direct result of either the termination of a business entity owned by the individual or the individual's inability to continue in his or her line of work, if the individual produces satisfactory evidence to the office of Vermont health access of the business termination or certifies by affidavit to the office of Vermont health access that he or she is not employed and is no longer seeking employment in the same line of work;

(bb) Subdivision (aa) of this subdivision (II) shall take effect upon issuance by the Centers for Medicare and Medicaid Services of approval of an amendment to the Global Commitment for Health Medicaid Section 1115 Waiver allowing for a self-employment exception to the Catamount Health waiting period, but in no event earlier than July 1, 2011;

\* \* \*

Fifth: In Sec. 71, amending Sec. B.1101(b) of No. 1 of the Acts of the 2009 Special Session, by striking out the words "Government Services Fund"

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment on a roll call, Yeas 22, Nays 0.

Senator Sears having demanded the yeas and nays, they were taken and are as follows:

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Ayer, Bartlett, Brock, Choate, Cummings, Doyle, Flory, Giard, Hartwell, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Nitka, Racine, Scott, Sears, Snelling, Starr, White.

**Those Senators who voted in the negative were:** None.

**Those Senators absent or not voting were:** Ashe, Campbell, Carris, Flanagan, Illuzzi, Miller, Mullin, Shumlin (presiding).

**Bills Passed**

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

**S. 187.** An act relating to municipal financial audits.

**S. 218.** An act relating to voyeurism.

**Bill Amended; Bill Passed**

**S. 278.**

Senate bill entitled:

An act relating to the department of banking, insurance, securities, and health care administration.

Was taken up.

Thereupon, pending third reading of the bill, Senator Ayer moved to amend the bill in Sec. 28, 8 V.S.A. § 8093(b) by striking out the figure “\$25.00” and inserting in lieu thereof the figure \$15.00

Which was agreed to.

Thereupon, the bill was read the third time and passed.

**Consideration Postponed**

Senate bill entitled:

**S. 90.**

An act relating to representative annual meetings.

Was taken up.

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

**Rules Suspended; Bill Messaged**

On motion of Senator Mazza, the rules were suspended, and the following bill was ordered messaged to the House forthwith:

**H. 534.**

**Adjournment**

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