

Journal of the Senate

TUESDAY, APRIL 13, 2010

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Robert T. Athas of Burlington.

Pledge of Allegiance

Pages Aleksandra Stamper and Meaghan Williams then led the members of the Senate in the pledge of allegiance.

Message from the House No. 50

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 Senate proposal of amendment to the following House bill:

H. 695. An act relating to definition of premises for award of liquor license.

And has severally concurred therein.

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

S. 150. An act relating to parking reserved for disabled persons.

And has passed the same in concurrence.

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

S. 28. An act relating to the regulation of landscape architects.

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

Bill Referred to Committee on Appropriations

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:

H. 485.

An act relating to the use value appraisal program.

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. 61. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 16, 2010, it be to meet again no later than Tuesday, April 20, 2010.

Rules Suspended; Committee Relieved of Further Consideration; Bill Committed**H. 680.**

On motion of Senator Sears, the rules were suspended, and H. 680 was taken up for immediate consideration, for the purpose of relieving the Committee on Judiciary from further consideration of the bill. Thereupon, on motion of Senator Sears, the Committee on Judiciary was relieved of House bill entitled:

An act relating to termination of occupancy of farm employee housing, and the bill was committed to the Committee on Agriculture.

Third Reading Ordered**J.R.S. 47.**

Senator Illuzzi, for the Committee on Economic Development, Housing and General Affairs, to which was referred joint Senate resolution entitled:

Joint resolution strongly urging the Republic of Turkey to recognize the right to religious freedom for all its residents and to end all discriminatory policies directed against the Ecumenical Patriarchate of the Orthodox Church.

Reported that the joint resolution ought to be adopted on the part of the Senate.

Thereupon, the joint resolution was read the second time by title only pursuant to Rule 43, and third reading of the joint resolution was ordered on a roll call Yeas 26, Nays 1.

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, Campbell, Carris, Cummings, Doyle, Flanagan, Flory, Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Miller, Nitka, Racine, Scott, Sears, Shumlin, Snelling, Starr, White.

The Senator who voted in the negative was: Ashe.

Those Senators absent and not voting were: Choate, Giard, Mullin.

Consideration Postponed

Senate resolution entitled:

S.R. 17.

Senate resolution urging Congress to authorize alternative waivers to the 21-year-old minimum drinking age that do not entail federal highway funding penalties for states.

Was taken up.

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

House bill entitled:

H. 524.

An act relating to interference with or cruelty to a guide dog.

Was taken up.

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

Bill Passed in Concurrence with Proposal of Amendment

H. 540.

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

An act relating to motor vehicles passing vulnerable users on the highway and to bicycle operation.

Proposals of Amendment; Third Reading Ordered**H. 648.**

Senator Flory, for the Committee on Education, to which was referred House bill entitled:

An act relating to harassment and hazing policies at independent colleges.

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

First: By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. REPEAL

The following sections in Title 16 are repealed:

(1) 16 V.S.A. § 2182 (harassment and hazing prevention policies; Vermont state colleges).

(2) 16 V.S.A. § 2284 (harassment and hazing prevention policies; University of Vermont).

Second: In Sec. 4, by striking out the words “Independent postsecondary” and inserting in lieu thereof the word “Postsecondary”

And that after passage the title of the bill be amended to read:

An act relating to harassment and hazing policies at postsecondary schools.

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, and the proposals of amendment were collectively agreed to, and third reading of the bill was ordered.

Senate Concurrent Resolution

The following joint concurrent resolution, 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, is hereby adopted on the part of the Senate:

By Senators Hartwell and Sears,

By Representative Wilson,

S.C.R. 48.

Senate concurrent resolution honoring Patricia Kenworthy Nuckols of Manchester on being presented a Congressional Gold Medal for her extraordinary military service as a member of the World War II Women Airforce Service Pilots (WASP).

[The full text of the Senate concurrent resolutions appeared in the Senate calendar addendum for April 9, 2010, and, if adopted in concurrence by the House, will appear in the volume of the Public Acts and Resolves to be published for this session of the sixty-ninth biennial session of the Vermont General Assembly.]

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 Spengler and others,

By Senators Choate and Kittell,

H.C.R. 307.

House concurrent resolution recognizing the role of registered nurses in the delivery of health care in Vermont.

By Representative Head and others,

H.C.R. 308.

House concurrent resolution designating April as Fair Housing Month in Vermont.

By Representative Botzow and others,

By Senators Hartwell and Sears,

H.C.R. 309.

House concurrent resolution congratulating the Woodford SnoBusters snowmobile club on its silver anniversary.

By Representative Malcolm,

H.C.R. 310.

House concurrent resolution in memory of Jane Rinck of Pawlet.

By Representative Shaw and others,

By Senators Carris, Flory and Mullin,

H.C.R. 311.

House concurrent resolution congratulating the 2010 Stafford Technical Center “Act Out Loud” contest team as one of the 20 national competition finalists.

By Representative Clarkson,

By Senators Campbell, McCormack and Nitka,

H.C.R. 312.

House concurrent resolution congratulating the 2010 Woodstock Union High School Wasps Division II championship boys’ Nordic ski team.

By Representative Potter and others,

By Senators Ayer, Campbell, Carris, Doyle, Flory, Giard, Hartwell, Kitchel, Kittell, Lyons, MacDonald, Mullin, Nitka, Racine, Sears, Shumlin, Snelling and White,

H.C.R. 313.

House concurrent resolution welcoming the 2010 National Tree Farmer Convention to Vermont.

By All Members of the House,

By All Members of the Senate,

H.C.R. 314.

House concurrent resolution congratulating the 2010 University of Vermont Catamounts America East Conference championship men’s basketball team.

By All Members of the House,

By All Members of the Senate,

H.C.R. 315.

House concurrent resolution congratulating the 2010 University of Vermont Catamounts on their second consecutive America East Conference women's basketball championship and historic first NCAA tournament win.

By All Members of the House,

By All Members of the Senate,

H.C.R. 316.

House concurrent resolution congratulating the 2010 University of Vermont Catamounts men's ice hockey team on its performances in the Hockey East and NCAA tournaments.

[The full text of the House concurrent resolutions appeared in the Senate calendar addendum for April 9, 2010, and, if adopted in concurrence by the House, will appear in the volume of the Public Acts and Resolves to be published for this session of the sixty-ninth biennial session of the Vermont General Assembly.]

Message from the House No. 51

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 a House bill of the following title:

H. 776. An act relating to rental housing.

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:

S. 272. An act relating to human trafficking.

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 considered Senate proposal of amendment to the following House bill:

H. 539. An act relating to amending the charter of the town of Hartford.

And has severally concurred therein.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 307. House concurrent resolution recognizing the role of registered nurses in the delivery of health care in Vermont.

H.C.R. 308. House concurrent resolution designating April as Fair Housing Month in Vermont.

H.C.R. 309. House concurrent resolution congratulating the Woodford SnoBusters snowmobile club on its silver anniversary.

H.C.R. 310. House concurrent resolution in memory of Jane Rinck of Pawlet.

H.C.R. 311. House concurrent resolution congratulating the 2010 Stafford Technical Center “Act Out Loud” contest team as one of the 20 national competition finalists.

H.C.R. 312. House concurrent resolution congratulating the 2010 Woodstock Union High School Wasps Division II championship boys’ Nordic ski team.

H.C.R. 313. House concurrent resolution welcoming the 2010 National Tree Farmer Convention to Vermont.

H.C.R. 314. House concurrent resolution congratulating the 2010 University of Vermont Catamounts America East Conference championship men’s basketball team.

H.C.R. 315. House concurrent resolution congratulating the 2010 University of Vermont Catamounts on their second consecutive America East Conference women’s basketball championship and historic first NCAA tournament win.

H.C.R. 316. House concurrent resolution congratulating the 2010 University of Vermont Catamounts men’s ice hockey team on its performances in the Hockey East and NCAA tournaments.

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

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

S.C.R. 48. Senate concurrent resolution honoring Patricia Kenworthy Nuckols of Manchester on being presented a Congressional Gold Medal for her extraordinary military service as a member of the World War II Women Airforce Service Pilots (WASP).

And has adopted the same in concurrence.

Message from the House No. 52

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 Senate proposal of amendment to House proposal of amendment to Senate bill of the following title:

S. 288. An act relating to the Vermont recovery and reinvestment act of 2010.

And has concurred therein.

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

J.R.S. 60. Joint resolution honoring women veterans and requesting that state and federal officials work cooperatively to assure that women veterans receive the recognition, the health care services, and other support services they need and deserve.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Shumlin, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 14, 2010.