

Journal of the Senate

TUESDAY, JANUARY 18, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mara Dowdall of Montpelier.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Joint Senate 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 Senators Carris and Mullin,

J.R.S. 10. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 21, 2011, it be to meet again no later than Tuesday, January 25, 2011.

Bill Introduced

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

S. 19.

By Senator Illuzzi,

An act relating to increasing the property tax exemption for disabled veterans.

To the Committee on Finance.

Bill Amended; Bill Passed; Rules Suspended; Bill Messaged

S. 1.

Senate bill entitled:

An act relating to technical amendments to the judicial restructuring act of 2010.

Was taken up.

Thereupon, pending third reading of the bill, Senators Illuzzi, and Flory moved to amend the bill as follows:

First: By striking out Sec. 8 and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. EFFECTIVE DATE

(a) This section and Secs. 6 and 9–12 of this act shall take effect on passage.

(b) Secs. 1–5 and 7 shall take effect February 1, 2011.

Second: By adding four new sections to be numbered Secs. 9, 10, 11 and 12 to read as follows:

Sec. 9. 4 V.S.A. § 691 is amended to read:

§ 691. CLERKS AND ASSISTANTS; APPOINTMENT; COMPENSATION

(a) The superior court clerk, with the approval of the court administrator, may hire and remove staff for the superior court subject to the terms of any applicable collective bargaining agreement. The clerks and staff shall be state employees and shall be entitled to all fringe benefits and compensation accorded classified state employees who are similarly situated, subject to any applicable statutory limits, unless covered by a collective bargaining agreement that sets forth the terms and conditions of employment negotiated pursuant to the provisions of chapter 28 of Title 3.

(b) A staff person for the superior court may also serve as the county clerk if the court administrator approves of such service with the concurrence of the assistant judges. If a superior court staff person serves as county clerk pursuant to this subsection, the court administrator and the assistant judges shall enter into a memorandum of understanding with respect to the duties, work schedule, and compensation of the person serving.

(c) The court administrator and the assistant judges shall enter into a memorandum of understanding providing for the acceptance and processing of United States passport applications at each county court. The memorandum may provide for performance of passport acceptance and processing duties by the court clerk, county clerk, a superior court staffperson serving as county clerk pursuant to subsection (b) of this section, or any other court or county employee.

Sec. 10. 24 V.S.A. § 131 is amended to read:

§ 131. POWERS AND DUTIES

The assistant judges shall have the care and superintendence of county property, shall provide for the acceptance and processing of United States passport applications by county clerks pursuant to memorandums of understanding entered into under 4 V.S.A. § 691, may take deeds and leases of real estate to the county, rent or sell and convey unused lands belonging to the county, keep the courthouse, jail, and other county buildings insured, and make needed repairs and improvements in and around the same.

Sec. 11. 24 V.S.A. § 184 is added to read:

§ 184. PROCESSING OF PASSPORT APPLICATIONS

The county clerk shall accept and process applications for United States passports pursuant to memorandums of understanding entered into under 4 V.S.A. § 691.

Sec. 12. TRANSITIONAL PROVISIONS

The court administrator and the assistant judges in each county shall enter into a memorandum of understanding for each respective county as required by 4 V.S.A. § 691 on or before March 1, 2011.

Thereupon, pending the question, Shall the bill be amended as moved by Senators Illuzzi and Flory? Senator Sears raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that the amendment offered by Senators Illuzzi and Flory was *not germane* to the bill and therefore could not be considered by the Senate.

The President *overruled* the point of order and ruled that the recommendation of amendment was *germane* in that the amendment related in a natural and logical sequence to the subject matter of the original bill, changes to the court restructuring act.

Thereupon, the recurring question, Shall the bill be amended as recommended by Senators Illuzzi and Flory?, was decided in the affirmative.

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

Thereupon, on motion of Senator Campbell, the rules were suspended, and the bill was ordered messaged to the House forthwith.

House Concurrent Resolution

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 All Members of the House,

By All Members of the Senate,

H.C.R. 1.

House concurrent resolution in memory of Representative Albert Audette of South Burlington.

By All Members of the House,

By All Members of the Senate,

H.C.R. 2.

House concurrent resolution in memory of Vermont National Guard Sergeant Steven J. DeLuzio of South Glastonbury, Connecticut.

By All Members of the House,

By All Members of the Senate,

H.C.R. 3.

House concurrent resolution in memory of United States Marine Lance Corporal Anthony James Rosa of Swanton.

By All Members of the House,

By All Members of the Senate,

H.C.R. 4.

House concurrent resolution in memory of Vermont National Guard Sergeant Tristan H. Southworth of Walden.

By All Members of the House,

By All Members of the Senate,

H.C.R. 5.

House concurrent resolution in memory of Specialist Ryan Grady of West Burke.

By All Members of the House,

By All Members of the Senate,

H.C.R. 6.

House concurrent resolution honoring the Dean of the House of Representatives, Michael Obuchowski of Rockingham.

By Representatives Bohi and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 7.

House concurrent resolution congratulating the 2010 Hartford High School Hurricanes Division I championship football team.

By Representatives Marek and others,

H.C.R. 8.

House concurrent resolution congratulating the Leland & Gray Union High School baseball Rebels on winning their third consecutive Division III championship.

By Representatives Marek and others,

H.C.R. 9.

House concurrent resolution congratulating the 2010–2011 NewBrook Elementary School Vermont State Spelling Bee championship team.

By Representatives Kilmartin and others,

By Senators Illuzzi and Starr,

H.C.R. 10.

House concurrent resolution congratulating retired Orleans County physician Dr. Frank Fiermonte on his 90th birthday.

By Representatives French and Townsend,

By Senator MacDonald,

H.C.R. 11.

House concurrent resolution welcoming the exhibition *The Hale Street Gang: Portraits in Writing* to the State House.

By All Members of the House,

By All Members of the Senate,

H.C.R. 12.

House concurrent resolution honoring the bravery and dedication of the members of the Vermont National Guard.

By Representatives Obuchowski and others,

H.C.R. 13.

House concurrent resolution in memory of the American military personnel who have died in the service of their nation in Iraq or Afghanistan from April 11, 2010 to December 27, 2010.

By the House Committee on Education,

By the Senate Committee on Education,

H.C.R. 14.

House concurrent resolution honoring John Nelson as a respected advocate for public education in Vermont.

By Representatives Myers and others,

H.C.R. 15.

House concurrent resolution congratulating the 2010 Essex Hornets Division I championship boys' soccer team.

By Representatives Obuchowski and others,

H.C.R. 16.

House concurrent resolution honoring John T. Stoodley on his amazing journey to umpiring the 2010 College Softball World Series.

Representatives Obuchowski and others,

H.C.R. 17.

House concurrent resolution congratulating the 2010 Bellows Falls Union High School Terriers Division III championship football team.

By Representative Obuchowski and Partridge,

H.C.R. 18.

House concurrent resolution congratulating Chroma Technology Corporation of Rockingham on being honored for its democratic managerial practices.

By All Members of the House,

By All Members of the Senate,

H.C.R. 19.

House concurrent resolution wishing United States Representative Gabrielle Giffords and the other surviving victims of the tragic Tucson shooting incident a successful recovery, and expressing sincere condolences to the families of those who died.

[The full text of the House concurrent resolutions appeared in the Senate and House calendar addendums for January 6, 2011, January 12, 2011 and January 14, 2011, 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 seventieth-first biennial session of the Vermont General Assembly.]

Adjournment

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the forenoon on Friday, January 21, 2011.