

Journal of the Senate

TUESDAY, JANUARY 25, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kevin Rooney of Northfield.

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. 12. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 28, 2011, it be to meet again no later than Tuesday, February 1, 2011.

Joint Resolution Placed on Calendar

J.R.H. 8.

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

Joint resolution honoring women veterans and requesting that state and federal officials work cooperatively to assure that women veterans receive their due recognition and essential support services

by: Representatives Taylor of Barre City and Grad of Moretown

Whereas, March is Women's History Month, and the Vermont Historical Society, the Vermont Commission on Women, and the Veterans of Foreign Wars are recording the stories of the state's women veterans for preservation by the Vermont Women's History Project, and

Whereas, although women have unofficially and honorably served in combat roles since the American Revolution, it was not until 1901 that the first

United States military unit for women, the Army Nurse Corps, was created, and

Whereas, decades later in 1942, Congress enacted the Women's Naval Reserve Act and established the Women's Auxiliary Army Corps and the Women Air Service Pilots, whose surviving veterans in 2010 were each awarded a Congressional Gold Medal honoring their military service, and

Whereas, women now comprise 14 percent of active duty and nearly 17 percent of those serving in the various Reserves and National Guard forces, and

Whereas, the number of women veterans is expected to be nearly two million by 2020 and will constitute more than 10 percent of the veteran population, and

Whereas, there is now an increasing need to improve health care services offered to women veterans and to ensure clinicians are properly trained to provide primary care and gender-specific care to women of all ages, and

Whereas, in light of the rapidly increasing number of women returning from deployments including some with exposure to combat, the United States Department of Veterans Affairs and state and voluntary veterans' organizations work cooperatively to ensure that needed health and other support services are available to these women who have patriotically served our country, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors women veterans and requests that state and federal officials work cooperatively to assure that women veterans receive their due recognition and essential support services, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the director and women veterans coordinator at the Vermont Office of Veterans Affairs, to the United States Veterans Health Administration women veterans program manager in White River Junction, and to the Vermont offices of the Veterans of Foreign Wars and the American Legion's Women's Auxiliary.

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

Bills Introduced

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

S. 27.

By Senator Hartwell,

An act relating to the role of municipalities and the public in the siting of electric generation and transmission and natural gas facilities.

To the Committee on Finance.

S. 28.

By Senator Lyons,

An act relating to consolidating land use and environmental permit administration, rulemaking, and appeals into a department of environmental quality headed by an environmental council.

To the Committee on Natural Resources and Energy.

S. 29.

By Senators Snelling, Ashe, Cummings, Fox, Lyons, MacDonald, McCormack, Miller, Pollina, Sears and White,

An act relating to early childhood educators.

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

S. 30.

By Senators Doyle, Cummings and Mullin,

An act relating to enhancing the penalty for assault of a nurse.

To the Committee on Judiciary.

S. 31.

By Senators Miller, Ashe, Ayer, Giard, Hartwell, Kittell, Lyons, McCormack, Pollina and White,

An act relating to the Agreement Among the States to Elect the President by National Popular Vote.

To the Committee on Government Operations.

Proposed Amendments to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 1 was introduced, read the first time and referred:

By Senator Galbraith,

PROPOSAL 1

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide a right to health care. The general assembly shall determine the scope of the right to health care.

Sec. 2. Article 22 of Chapter I of the Vermont Constitution is added to read:

Article 22. [RIGHT TO HEALTH CARE]

That each person shall have a right to health care to include care by qualified physicians, necessary surgery and surgical procedures, hospitalization, and prescribed medicines. This right shall be exercised as the general assembly shall so determine.

To the Committee on Health and Welfare.

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 2 was introduced, read the first time and referred:

By Senator Galbraith,

PROPOSAL 2

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide a set of environmental rights, including clean water, a natural environment uncompromised by manufactured substances that are toxic and unhealthy, and enjoyment of nature, forests, wilderness, and wildlife.

Sec. 2. Article 23 of Chapter I of the Vermont Constitution is added to read:

Article 23. [RIGHT TO CLEAN WATER, CLEAN AIR, AND NATURE]

That the people shall have the right to clean water and air, to a natural environment uncompromised by manufactured substances that are toxic and unhealthy, and to the enjoyment of nature, forests, wilderness, and wildlife.

To the Committee on Natural Resources and Energy.

Joint Resolution Adopted on the Part of the Senate**J.R.S. 13.**

Joint Senate resolution entitled:

Joint resolution urging the United States Department of Homeland Security not to close the international port of entry at Morses Line in the town of Franklin.

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

Appointment of Senate Members to the Joint Committee on Judicial Retention

Pursuant to the provisions of 4 V.S.A. §607, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Committee on Judicial Retention during this biennium:

Senator Nitka
Senator Galbraith
Senator Fox
Senator Benning

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and forty-five minutes in the afternoon.

Called to Order

At one o'clock and forty-five minutes the Senate was called to order by the President.

Message from the House No. 9

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. 65. An act relating to fiscal year 2011 budget adjustment.

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

Message from the House No. 10

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. 1. An act relating to challenges for change outcomes for persons with disabilities.

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

Message from the House No. 11

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 adopted House concurrent resolutions of the following titles:

H.C.R. 20. House concurrent resolution congratulating Frederick Martin Wilkens on his 90th birthday.

H.C.R. 21. House concurrent resolution honoring Grafton volunteer firefighter Richard Thompson and sending best wishes for recovery to Beatrice Fisher who he gallantly rescued from her burning home.

H.C.R. 22. House concurrent resolution honoring Roland Dion for his dedicated public and community service in the city of Winooski.

H.C.R. 23. House concurrent resolution congratulating the town of Brandon on its 250th anniversary.

H.C.R. 24. House concurrent resolution honoring Brattleboro American Legion Band manager Don Strange.

H.C.R. 25. House concurrent resolution commemorating the restoration and sesquicentennial anniversary of the historic Brandon Town Hall.

H.C.R. 26. House concurrent resolution recognizing January 2011 as National Human Trafficking Awareness Month in Vermont.

H.C.R. 27. House concurrent resolution congratulating the 2010 Champlain Valley Union High School Redhawks Division I and New England championship girls' cross-country team.

H.C.R. 28. House concurrent resolution congratulating Jennifer Lawson of Waltham on being named the 2011 Vermont Teacher of the Year .

H.C.R. 29. House concurrent resolution congratulating Dr. Joe Klopfenstein on being named the American Association of Bovine Practitioners' 2010 Bovine Practitioner of the Year.

H.C.R. 30. House concurrent resolution extending best wishes to Pete's Greens organic farm on the reconstruction of its burned barn in Craftsbury.

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

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 1.

An act relating to challenges for change outcomes for persons with disabilities.

To the Committee on Health and Welfare.

H. 65.

An act relating to fiscal year 2011 budget adjustment.

To the Committee on Appropriations.

Recess

The Chair declares a recess the fall of the gavel.

Called to Order

At two o'clock in the afternoon the Senate was called to order by the President.

Joint Assembly

At two o'clock in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 9. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at two o'clock and fifty-five minutes in the afternoon, the President resumed the Chair.

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 Brock and Kittell,

S.C.R. 2.

Senate concurrent resolution honoring Hildred Tatro for her exemplary role as co-librarian at the Enosburg Public Library.

[The full text of the Senate concurrent resolutions appeared in the Senate calendar addendum for January 21, 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.]

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 Representatives Donovan and Wizowaty,

H.C.R. 20.

House concurrent resolution congratulating Frederick Martin Wilkens on his 90th birthday.

By Representatives Partridge and Obuchowski,

H.C.R. 21.

House concurrent resolution honoring Grafton volunteer firefighter Richard Thompson and sending best wishes for recovery to Beatrice Fisher who he gallantly rescued from her burning home.

By Representatives Bissonnette and Atkins,

H.C.R. 22.

House concurrent resolution honoring Roland Dion for his dedicated public and community service in the city of Winooski.

By Representative Acinapura,

By Senators Ayer and Giard,

H.C.R. 23.

House concurrent resolution congratulating the town of Brandon on its 250th anniversary.

By Representative Hebert and others,

By Senator White,

H.C.R. 24.

House concurrent resolution honoring Brattleboro American Legion Band manager Don Strange.

By Representative Acinapura,

By Senators Ayer and Giard,

H.C.R. 25.

House concurrent resolution commemorating the restoration and sesquicentennial anniversary of the historic Brandon Town Hall.

By Representative Ram and others,

By Senator Baruth,

H.C.R. 26.

House concurrent resolution recognizing January 2011 as National Human Trafficking Awareness Month in Vermont.

By Representative Lenex and others,

By Senators Ashe, Baruth, Fox, Lyons, Miller and Snelling,

H.C.R. 27.

House concurrent resolution congratulating the 2010 Champlain Valley Union High School Redhawks Division I and New England championship girls' cross-country team.

By Representatives Clark and Lanpher,

By Senators Ayer and Giard,

H.C.R. 28.

House concurrent resolution congratulating Jennifer Lawson of Waltham on being named the 2011 Vermont Teacher of the Year.

By Representatives Lanpher and Clark,

By Senators Ayer and Giard,

H.C.R. 29.

House concurrent resolution congratulating Dr. Joe Klopfenstein on being named the American Association of Bovine Practitioners' 2010 Bovine Practitioner of the Year.

By Representative Young and others,

H.C.R. 30.

House concurrent resolution extending best wishes to Pete's Greens organic farm on the reconstruction of its burned barn in Craftsbury.

[The full text of the House concurrent resolutions appeared in the Senate calendar addendum for January 21, 2011, and, having been adopted by the House are hereby adopted in concurrence by the Senate and 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 28, 2011.