

Journal of the Senate

FRIDAY, JANUARY 28, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rebecca Clark of Montpelier.

Message from the House No. 12

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 bills of the following titles:

H. 8. An act relating to approval of amendments to and codification of the charter of the town of Jamaica.

H. 81. An act relating to approval of the adoption and codification of the charters of the town of Danville and the Danville school district.

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

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. 9. Joint resolution explaining the importance and value of maple syrup and the University of Vermont's Proctor Maple Research Center.

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

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

J.R.S. 12. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Message from the House No. 13

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. 30. An act relating to requiring the board of governors of the unified towns and gores of Essex County to hear tax appeals.

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

Message from the House No. 14

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. 13. 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.

And has adopted the same in concurrence.

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

H.C.R. 31. House concurrent resolution congratulating the Vermont Jazz Ensemble on its 35th anniversary.

H.C.R. 32. House concurrent resolution congratulating the 2010 Rice Memorial High School Division III championship field hockey team.

H.C.R. 33. House concurrent resolution congratulating the Vermont Refugee Resettlement Program and the U.S. Committee for Refugees and Immigrants on their respective 30th and 100th anniversaries.

H.C.R. 34. House concurrent resolution honoring Michael Law on his outstanding career as a secondary school athletic coach.

H.C.R. 35. House concurrent resolution recognizing the week of January 23, 2011 as Nurse Anesthetist Week in Vermont.

H.C.R. 36. House concurrent resolution congratulating Keith Gerritt on his designation as the Vermont Principals' Association's 2010 High School Principal of the Year.

H.C.R. 37. House concurrent resolution congratulating the 2010 Missisquoi Valley Union High School Thunderbirds Division II championship boys' soccer team.

H.C.R. 38. House concurrent resolution congratulating Congregation Beth El of Bennington as it commences its second century.

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

And has adopted the same in concurrence.

Appointment of Senate Members to Joint Rules Committee

The President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Rules Committee for terms of two (2) years pursuant to the provisions of Joint Rule No. 5:

Senator Campbell, *ex officio*
Senator Carris
Senator Doyle
Senator Mazza

Appointment of Senate Members to the Legislative Advisory Committee on the State House

Pursuant to the provisions of 2 V.S.A. §651, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Advisory Committee on the State House for terms of two years:

Senator Campbell
Senator Hartwell
Senator Mazza

Appointment of Senate Members to Legislative Council

Pursuant to the provisions of 2 V.S.A. §402, the President announced the appointment by the President of the following Senators to serve on the Legislative Council for terms of two years:

Senator Campbell, *ex officio*
Senator Ashe
Senator Mazza
Senator Mullin

Appointment of Senate Members to Legislative Information Technology Committee

Pursuant to the provisions of 2 V.S.A. §751, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Information Technology Committee for the current biennium:

Senator Brock
Senator Carris
Senator Hartwell
Senator Westman

Appointment of Senate Members to the Emergency Board

Pursuant to the provisions of 32 V.S.A. §131, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Emergency Board for terms of two years:

Senator Kitchel, *ex officio*
Senator Cummings, *ex officio*

Appointment of Senate Members to Joint Fiscal Committee

Pursuant to the provisions of 2 V.S.A. §501, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Fiscal Committee for terms of two years ending February 1, 2011:

Senator Kitchel, *ex officio*
Senator Cummings, *ex officio*
Senator Campbell
Senator Sears
Senator Snelling

Appointment of Senate Members to the Joint Transportation Oversight Committee

Pursuant to the provisions of 19 V.S.A. §12b the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Transportation Oversight Committee for terms of two years:

Senator Mazza, *ex officio*
Senator Kitchel, *ex officio*
Senator Cummings, *ex officio*

Appointment of Senate Members to the Joint Energy Committee

Pursuant to the provisions of 2 V.S.A. §601, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Energy Committee for terms of two years ending on February 1, 2011:

Senator Ashe
Senator Illuzzi
Senator Lyons
Senator MacDonald

Appointment of Senate Member to Vermont State Nuclear Advisory Panel (V-SNAP)

Pursuant to the provisions of 18 V.S.A. §1700, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont State Nuclear Advisory Panel (V-SNAP) for a term of two years ending on January 15, 2013:

Senator MacDonald

Workforce Development Council

Pursuant to the provisions of 10 V.S.A. §541(a) (Supp. 2008), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Workforce Development Council for a term of two years:

Senator Carris
Senator Mullin

**Appointment of Senate Member to Vermont Interactive Television
Coordinating Council**

Pursuant to the provisions of Executive Order #10-94, issued under date of October 14, 1994, by Governor Howard B. Dean, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Interactive Television Coordinating Council during this biennium:

Senator Mazza

Appointment of Senate Member to Vermont Council on Family Violence

Pursuant to the provisions of Executive Order No. 15-8, issued on June 29, 2006, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Council on Family Violence during this biennium:

Senator Fox

**Appointment of Senate Member to the Criminal Justice Cabinet
(successor to Criminal Justice Council)**

Pursuant to the provisions of Executive Order No. 13-1, issued on July 22, 1992, by Governor Howard B. Dean, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator as a member of the Criminal Justice Cabinet during this biennium:

Senator Sears

Appointment of Senate Member to the Access Board

Pursuant to the provisions of 21 V.S.A. §272, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Access Board for a term of two years:

Senator Hartwell, *ex officio*

Committee Relieved of Further Consideration; Bill Committed

S. 12.

On motion of Senator Ayer, the Committee on Health and Welfare was relieved of further consideration Senate bill entitled:

An act relating to adding a member from the area agencies on aging to the governor's commission on Alzheimer's disease and related disorders,

Thereupon, pending entry of the bill on the Calendar for notice the next legislative day, on motion of Senator Ayer, the bill was committed to the Committee on Government Operations.

Rules Suspended; Committee Relieved of Further Consideration; Bill Committed

S. 17.

On motion of Senator Ayer, the Committee on Health and Welfare was relieved of further consideration Senate bill entitled:

An act relating to medical marijuana dispensaries,

Thereupon, pending entry of the bill on the Calendar for notice the next legislative day, on motion of Senator Ayer, the bill was committed to the Committee on Government Operations.

Joint Resolution Placed on Calendar

J.R.H. 9.

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

Joint resolution explaining the importance and value of maple syrup and the University of Vermont's Proctor Maple Research Center

Whereas, during the post-election December 2010 congressional session, United States Senator John McCain strongly criticized United States Senator Patrick Leahy's proposed \$165,000.00 earmark for the Proctor Maple Research Center (PMRC) at the University of Vermont as exemplifying wasteful congressional spending, and

Whereas, although the awarding of dubious federal earmarks has been documented, to select this proposed appropriation as a prime example of wasteful federal spending is completely off the mark, and

Whereas, to the contrary, the PMRC, established in 1946 on the site of the former Harvey Farm in Underhill, which Governor Mortimer Proctor personally donated to the University of Vermont, is exactly the type of academically respected and economically vital organization worthy of federal largesse, and

Whereas, the General Assembly of the State of Vermont, in response to Senator John McCain's assessment of the now scuttled PMRC appropriation, is compelled to explain, with the utmost respect, why the now lost \$165,000.00 grant that Senator Leahy proposed merited the enthusiastic endorsement of United States Senators, including the senior senator from Arizona, and

Whereas, to begin this lesson, it should be noted that 25 percent of all trees in Vermont are maples, thus providing the natural resource foundation for Vermont's proud emergence as the largest producer of maple syrup in the United States, and

Whereas, annually, this production output yields approximately \$15 million in direct sales and has an overall impact on our state's economy in excess of \$226 million, and

Whereas, the Vermont General Assembly has recognized the sugar maple tree as the official state tree (1 V.S.A § 499); and maple from the Vermont sugar maple tree has been similarly recognized as the official state flavor (1 V.S.A § 510), and

Whereas, Vermont was the first state to adopt a comprehensive maple sugar law, and the current version at 6 V.S.A chapter 32 comprehensively addresses the commercial, marketing, and scientific aspects of maple sugaring, and

Whereas, the PMRC has a tripartite mission to conduct maple research, which has resulted in major advances in the field; manage a demonstration maple sugaring operation that serves as a model for commercial maple sugarmakers; and educate producers and the public on the art and science of maple sugarmaking, and

Whereas, no individual, except its faculty and staff, receives direct remuneration from the PMRC, but the Vermont economy benefits enormously from its many accomplishments, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly respectfully concludes this lesson on Vermont Maple Sugarmaking and the University of Vermont's Proctor Maple Research Center for United States Senator John McCain, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to United States Senator John McCain (accompanied by a sample of Vermont Maple Syrup produced at the Proctor Maple Research Center), to the Proctor Maple Research Center, and to the Vermont Congressional Delegation.

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. 32.

By Senator Illuzzi,

An act relating to expanding the issuance of gold star registration plates.

To the Committee on Transportation.

S. 33.

By Senator Hartwell,

An act relating to the development and permitting of hydroelectric projects.

To the Committee on Natural Resources and Energy.

S. 34.

By Senators Lyons, MacDonald and McCormack,

An act relating to the collection and disposal of mercury-containing lamps.

To the Committee on Natural Resources and Energy.

S. 35.

By Senators Lyons and MacDonald,

An act relating to limiting the application of fertilizer to nonagricultural turf.

To the Committee on Natural Resources and Energy.

S. 36.

By Senator Cummings,

An act relating to the surplus lines insurance multi-state compliance compact.

To the Committee on Finance.

S. 37.

By Senators Sears, Benning and Hartwell,

An act relating to expungement of a nonviolent misdemeanor criminal history record.

To the Committee on Judiciary.

S. 38.

By Senator Sears,

An act relating to the Uniform Collateral Consequences of Conviction Act.

To the Committee on Judiciary.

Bills Referred

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

H. 8.

An act relating to approval of amendments to and codification of the charter of the town of Jamaica.

To the Committee on Government Operations.

H. 30.

An act relating to requiring the board of governors of the unified towns and gores of Essex County to hear tax appeals.

To the Committee on Government Operations.

H. 81.

An act relating to approval of the adoption and codification of the charters of the town of Danville and the Danville school district.

To the Committee on Government Operations.

Third Reading Ordered**S. 2.**

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to sexual exploitation of a minor and the sex offender registry.

Reported that the bill ought to pass.

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

Joint Resolution Adopted in Concurrence**J.R.H. 8.**

Joint House resolution entitled:

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.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

Rules Suspended; House Proposal of Amendment Concurred In; Rules Suspended; Bill Messaged**S. 1.**

Appearing on the Calendar for notice, on motion of Senator Sears, the rules were suspended and House proposal of amendment to bill entitled:

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

Was taken up for immediate consideration.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 6, by striking out the following: \$45,701.00 where it twice appears and inserting in lieu thereof the following: “50 percent of the salary of the most highly paid probate judge”

Second: In Sec. 9, 4 V.S.A. § 691, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) With respect to counties where the assistant judges have elected to offer passport processing services, 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. The memorandum may provide for performance of passport acceptance and processing duties by the court clerk, county clerk, a superior court staff person serving as county clerk pursuant to subsection (b) of this section, or any other court or county employee.

Third: In Sec. 10, 24 V.S.A. § 131, after the word “property,” by striking out the word shall and inserting in lieu thereof the word “may”

Fourth: In Sec. 11, 24 V.S.A. § 184, after the word “shall” by inserting the following: “, if so directed by the assistant judges.”

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

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Thereupon, on motion of Senator Sears, the rules were suspended and the bill was ordered delivered to the Governor forthwith.

Recess

The Chair declares a recess until the fall of the gavel.

Called to Order

The Senate was called to order by the President.

Rules Suspended; Third Reading Ordered; Rules Suspended; Bill Passed in Concurrence; Rules Suspended; Bill Messaged

H. 81.

Pending entry on the Calendar for notice, on motion of Senator White, the rules were suspended and House bill entitled:

An act relating to approval of the adoption and codification of the charters of the town of Danville and the Danville school district.

Was taken up for immediate consideration.

Senator White, for the Committee on Government Operations, to which the bill was referred, reported that the bill ought to pass in concurrence.

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

Thereupon, on motion of Senator White, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

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

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

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 1, 2011, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 12.