

# Journal of the Senate

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TUESDAY, MARCH 13, 2012

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Nancy McHugh of Waitsfield.

## Pledge of Allegiance

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

## Bills Referred to Committee on Appropriations

Senate bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee on Appropriations:

**S. 138.** An act relating to the record keeping of search warrants.

**S. 223.** An act relating to extending health insurance coverage for autism spectrum disorders.

**S. 226.** An act relating to prohibiting synthetic stimulants.

## Rules Suspended; Bill Committed

### S. 238.

Appearing on the Calendar for notice, on motion of Senator Kittell, the rules were suspended and Senate bill entitled:

An act relating to establishing the Vermont farm guest worker program.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Agriculture, Senator Kittell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Transportation with the report of the Committee on Agriculture *intact*,

Which was agreed to.

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

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Thursday, March 15, 2012, or, Friday, March 16, 2012, it be to meet again no later than Tuesday, March 20, 2012.

**Joint Resolution Placed on Calendar****J.R.S. 50.**

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senator Nitka,

**J.R.S. 50.** Joint resolution providing for a Joint Assembly to vote on the retention of three Superior Judges.

*Whereas*, declarations have been submitted by the following three Superior Judges that they be retained for another six-year term, Judge Karen R. Carroll, Judge Dennis R. Pearson, Judge Barry Peterson, and

*Whereas*, the procedures of the Joint Committee on Judicial Retention require at least two public hearings and the review of information provided by each judge and the comments of members of the Vermont bar and the public, and

*Whereas*, the Committee was unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the judges seeking to be retained in office by March 8, 2012, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 15, 2012, the date specified in subsection 10(b) of Title 2, and

*Whereas*, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, March 29, 2012, at one o'clock in the afternoon to vote on the retention of three Superior

Judges. In case the vote to retain said Justices and Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at nine o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

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

### **Consideration Postponed**

#### **S. 230.**

Senate bill entitled:

An act relating to property and casualty insurers and electronic notices.

Was taken up.

Thereupon, pending third reading of the bill, Senator Brock moved to amend the bill in Sec. 1, 8 V.S.A. § 3666, subsection (f), by inserting at the end of the last sentence the following ; provided, however, that for notices of cancellation pursuant to 8 V.S.A. § 3880, 4224, or 4712, the third notice shall be by certified mail

Thereupon, pending the question, Shall the bill be amended as recommended by Senator Brock?, Senator Galbraith moved to amend the recommendation of amendment of Senator Brock as follows: after the word "cancellation" by inserting and non-renewal and after the word "third" by inserting or final

Thereupon, pending the question, Shall the recommendation of amendment of Senator Brock be amended as recommended by Senator Galbraith?, on motion of Senator Cummings consideration of the bill be postponed until the next legislative day.

### **Bill Passed**

Senate bill of the following title was read the third time and passed:

**S. 251.** An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

### **Message from the House No. 33**

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. 485.** An act relating to establishing universal recycling of solid waste.

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

The House has adopted joint resolutions of the following titles:

**J.R.H. 28.** Joint resolution congratulating the Republic of China (Taiwan), President Ma Ying-jeou, and the 23 million Taiwanese people on their successful 2012 democratic elections and urging support for Taiwan's participation in various international organizations.

**J.R.H. 29.** Joint resolution commemorating Women's History Month, the publication of the sixth edition of *The Legal Rights of Women in Vermont*, and reaffirming continuing support for equal rights for women.

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

The Governor has informed the House that on the March 7, 2012, he approved and signed bills originating in the House of the following titles:

**H. 558.** An act relating to fiscal year 2012 budget adjustment.

**H. 755.** An act relating to extending the deadline for adoption of certain health department rules.

The Governor has informed the House that on the March 8, 2012, he approved and signed a bill originating in the House of the following title:

**H. 365.** An act relating to designating skiing and snowboarding as the official winter state sports.

### Adjournment

On motion of Senator Campbell, the Senate adjourned until three o'clock and thirty minutes in the afternoon on Wednesday, March 14, 2012.