

# Journal of the Senate

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FRIDAY, MARCH 30, 2012

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Pages Honored

In appreciation of their many services to the members of the General Assembly, the President recognized the following-named pages who are completing their services today and presented them with letters of appreciation.

Marta Bartholomew of Hartland  
Kassandra Bell of Hardwick  
Alexandra Caron of South Royalton  
Taylor Chapple of St. Johnsbury  
Julie Decker of Williston  
Thomas DeMag of South Burlington  
Sage Luksevish of Underhill  
Elysia Manriquez of Barre  
Audrey Oliver of Montpelier

## Message from the House No. 42

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. 319.** House concurrent resolution congratulating the University of Vermont 2012 NCAA championship skiing team.

**H.C.R. 320.** House concurrent resolution in memory of former Representative Gloria Ann Conant of Richmond.

**H.C.R. 321.** House concurrent resolution congratulating Julie Frost on winning the 2012 Golden Globe Award for Best Original song.

**H.C.R. 322.** House concurrent resolution congratulating the 2012 South Burlington High School Rebels championship girls' indoor track and field team.

**H.C.R. 323.** House concurrent resolution honoring the St. Albans Town municipal public works department employees for their exemplary public service during the spring 2011 Lake Champlain flooding.

**H.C.R. 324.** House concurrent resolution congratulating Silas Chickering-Ayers of East Montpelier on winning his first Freeskiing World Tour victory at the North American Championships at Snowbird's Northwest Baldy in Utah.

**H.C.R. 325.** House concurrent resolution in memory of Melinda Bussino.

**H.C.R. 326.** House concurrent resolution congratulating the 2011–2012 Middlebury College skiing team on its outstanding season.

**H.C.R. 327.** House concurrent resolution congratulating the 2012 University of Vermont America East championship men's basketball team.

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

#### **Rules Suspended; Bills Committed**

Senate bills entitled:

**S. 99.** An act relating to agricultural economic development.

**S. 142.** An act relating to pet merchants.

**S. 143.** An act relating to disclosing building energy performance and promoting thermal energy efficiency.

**S. 169.** An act relating to workers' compensation liens.

**S. 180.** An act relating to the universal service fund and establishment of a high-cost program.

**S. 204.** An act relating to creating an expert panel on the creation of a state bank.

Were taken up.

Thereupon, as the bills had not made the Cross-Over deadline, Senator Campbell moved that Senate Rule 49 be suspended and the following bills be committed to the Committee on Rules, with the reports the Committees of jurisdiction *intact*.

Which was agreed to.

**Joint Resolution Placed on Calendar****J.R.S. 54.**

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

By Committee on Institutions,

**J.R.S. 54.** Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc.

*Whereas*, in accordance with 10 V.S.A. § 2606(b), the general assembly may adopt a resolution authorizing the commissioner of forests, parks and recreation to exchange or lease certain lands that are under the jurisdiction of the commissioner, and

*Whereas*, the general assembly has reviewed the proposed transactions and considers them to be in the best interest of the state, *now therefore be it*

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

That the General Assembly authorizes the commissioner of forests, parks and recreation to:

First: Enter into an exchange of a portion of Alburgh Dunes State Park in the Town of Alburgh with the South Alburgh Cemetery Association, Inc. for up to 44 +/- acres to be added to Alburgh Dunes State Park in the town of Alburgh that is of equivalent or greater value to the state. Any exchange of state parkland with the South Alburgh Cemetery Association, Inc. shall be contingent on the following: (1) the land exchange shall have the support of the selectboard of the town of Alburgh; (2) an independent appraiser shall determine the value of the parcels for exchange; (3) the South Alburgh Cemetery Association, Inc. shall be responsible for any and all associated costs of the exchange, including appraisal, survey, permitting, and legal costs; (4) the parcel conveyed to the state in exchange for the state park parcel conveyed to the South Alburgh Cemetery Association, Inc. shall be placed under the control and jurisdiction of the department of forests, parks and recreation; (5) the coholders of the conservation easement that encumbers Alburgh Dunes State Park (The Nature Conservancy and the Vermont Housing and Conservation Board) shall approve the land exchange, and the conservation easement shall be amended to reflect this land exchange.

Second: Amend the lease with Camp Downer, Inc. at Downer State Forest in Sharon to provide for two additional ten-year renewal periods.

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

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**Bill Passed in Concurrence with Proposal of Amendment****H. 634.**

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

An act relating to remedies for failure to pay municipal tickets.

**Joint Resolution Adopted on the Part of the Senate****J.R.S. 52.**

Joint Senate resolution entitled:

Joint resolution relating to the issuance of a commemorative United States postage stamp in honor of former United States Senator George D. Aiken.

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

**Proposal of Amendment; Third Reading Ordered****H. 449.**

Senator MacDonald, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to the designation of brook trout and walleye pike as the state fish of Vermont.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, by striking out subdivision (4) in its entirety and inserting in lieu thereof the following:

(4) the original designation of these two fish was championed by the students of Cornwall Elementary School, whose efforts resulted in a Joint Resolution, approved by the General Assembly on May 3, 1978 (J.R.S. 41), designating the two state fish.

And that the bill ought to pass in concurrence with such proposal of amendment.

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

**Senate 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, were adopted on the part of the Senate:

By Senators Nitka, Campbell and McCormack,

By Representative Devereux,

**S.C.R. 41.**

Senate concurrent resolution honoring Richard Strong for his more than half-century of municipal public service in the village of Ludlow.

By Senators Kitchel and Benning,

By Representatives Lawrence and Crawford,

**S.C.R. 42.**

Senate concurrent resolution congratulating Lyndon Rescue, Inc. on its 40th anniversary.

**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, were adopted in concurrence:

By Representative Pugh and others,

**H.C.R. 319.**

House concurrent resolution congratulating the University of Vermont 2012 NCAA championship skiing team.

By Representative O'Brien and others,

**H.C.R. 320.**

House concurrent resolution in memory of former Representative Gloria Ann Conant of Richmond.

By Representative Pugh and others,

By Senators Ayer and Giard,

**H.C.R. 321.**

House concurrent resolution congratulating Julie Frost on winning the 2012 Golden Globe Award for Best Original song.

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By Representative Pugh and others,

**H.C.R. 322.**

House concurrent resolution congratulating the 2012 South Burlington High School Rebels championship girls' indoor track and field team.

By Representatives Dickinson and Howrigan,

**H.C.R. 323.**

House concurrent resolution honoring the St. Albans Town municipal public works department employees for their exemplary public service during the spring 2011 Lake Champlain flooding.

By Representative Klein,

**H.C.R. 324.**

House concurrent resolution congratulating Silas Chickering-Ayers of East Montpelier on winning his first Freeskiing World Tour victory at the North American Championships at Snowbird's Northwest Baldy in Utah.

By Representative Moran and others,

By Senators White and Galbraith,

**H.C.R. 325.**

House concurrent resolution in memory of Melinda Bussino.

By Representative Jewett and others,

**H.C.R. 326.**

House concurrent resolution congratulating the 2011–2012 Middlebury College skiing team on its outstanding season.

By Representative Pugh and others,

**H.C.R. 327.**

House concurrent resolution congratulating the 2012 University of Vermont America East championship men's basketball team.

**Consideration Interrupted by Adjournment**

**H. 21.**

Senator Cummings, for the Committee on Finance, to which was referred House bill entitled:

An act relating to the mutual benefit enterprise act.

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

First: In Sec. 1, in 11C V.S.A. § 203(a), in the second sentence, following the words “filed record” by striking out the words “and a receipt for the fees”

Second: In Sec. 1, in 11C V.S.A. § 207(a), by striking out the word “and” in subdivision (3), by redesignating subdivision (4) as subdivision (5), and by inserting a new subdivision (4) to read as follows:

(4) the name and business address of any director or officer; and

Third: In Sec. 1, in 11C V.S.A. § 207, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c) A mutual benefit enterprise or foreign enterprise authorized to transact business in this state shall deliver its annual report to the secretary for filing between January 1 and April 1 of each year, beginning in the year following the calendar year in which the mutual benefit enterprise is formed or the foreign enterprise is authorized to transact business in this state.

Fourth: In Sec. 1, in 11C V.S.A. § 207(e), following the words “designated office,” by striking out the words “the name of the agent for service of process” and inserting in lieu thereof the following: the name or business address of a director or officer

Fifth: In Sec. 1., by striking out 11C V.S.A. § 1214 in its entirety and redesignating that section as “[Reserved.]”

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, Senator Campbell moved the Senate adjourn, to reconvene on Tuesday, April 3, 2012, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 53.