

Journal of the Senate

Of the STATE OF VERMONT BIENNIAL SESSION, 2009

WEDNESDAY, JANUARY 7, 2009

Pursuant to the provisions of the Constitution and the laws of the State of Vermont, the Senate convened at the State House at Montpelier, on the first Wednesday, after the first Monday, the seventh day of January in the year of two thousand nine.

At ten o'clock in the forenoon, eastern standard time, the Senate was called to order by the President, Lieutenant Governor Brian E. Dubie.

Devotional Exercises

Devotional exercises were conducted by the Reverend David M. Hall of Montpelier.

Pledge of Allegiance

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

Roll Call

The roll of the Senate was thereupon called by the Secretary, David A. Gibson, and it appeared that the following Senators were present.

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| Addison District | Senator Claire D. Ayer Senator Harold W. Giard |
| Bennington District | Senator Richard W. Sears, Jr. Senator Robert M. Hartwell |
| Caledonia District | Senator Matthew S. Choate Senator M. Jane Kitchel |
| Chittenden District | Senator Timothy R. Ashe Senator Edward S. Flanagan Senator Virginia V. Lyons Senator Hinda Miller Senator Douglas A. Racine Senator Diane B. Snelling |

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| Essex-Orleans District | Senator Vincent Illuzzi Senator Robert A. Starr |
| Franklin District | Senator Randolph D. Brock Senator Sara Branon Kittell |
| Grand Isle District | Senator Richard T. Mazza |
| Lamoille District | Senator Susan J. Bartlett |
| Rutland District | Senator William H. Carris Senator Hull P. Maynard, Jr. Senator Kevin J. Mullin |
| Washington District | Senator Ann E. Cummings Senator William T. Doyle Senator Philip B. Scott |
| Windham District | Senator Peter E. Shumlin Senator Jeanette K. White |
| Windsor District | Senator John F. Campbell Senator Richard J. McCormack Senator Alice W. Nitka |

Oath Administered

The Senators-elect were duly sworn by the Secretary and severally subscribed the oath of office.

Election of Officers

The President announced that the next order of business was the election of officers, and that nominations for Secretary were in order:

Senator Bartlett of Lamoille District nominated

DAVID A. GIBSON

of the Town of Brookline.

Senator Snelling of Chittenden District seconded the nomination.

There being no further nominations, on motion of Senator Shumlin, the nominations were closed and the Assistant Secretary was instructed to cast one ballot for

DAVID A. GIBSON

of the Town of Brookline, as Secretary of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

Election of President *Pro Tempore*

The President then announced that the next order of business was the election of a President *pro tempore*.

Senator Sears of Bennington District nominated

PETER E. SHUMLIN

of Windham District.

Senator Scott of Washington District seconded the nomination.

There being no further nominations, on motion of Senator Sears, the nominations were closed and the Secretary was instructed to cast one ballot for

PETER E. SHUMLIN

of Windham District as President *pro tempore* of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

Election of Third Member of Committee on Committees

The Senate then proceeded to the election of a Senator to serve with the President and President *pro tempore* as a member of the Committee on Committees, which appoints the standing committees of the Senate.

Senator Campbell of Windsor District nominated

RICHARD T. MAZZA

of Grand Isle District.

Senator Kitchel of Caledonia District seconded the nomination.

There being no further nominations, on motion of Senator Shumlin, the nominations were closed and the Secretary was instructed to cast one ballot for

RICHARD T. MAZZA

of Grand Isle District to serve with the President and President *pro tempore* as a member of the Committee on Committees.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

Appointments

The President announced the appointment by the Secretary of

STEVEN D. MARSHALL

of Swanton, as Assistant Secretary of the Senate, and he presented himself at the bar of the Senate and received the oath of office from the Secretary.

The President announced the appointment by the Secretary of

VANESSA J. DAVISON

of Hardwick, as Journal Clerk, and

PRISCILLA L. ALEXANDER

of Montpelier, as Calendar Clerk, and

ROXANNA T. QUERO

of Montpelier, as Office Assistant.

The President announced the appointment of

MARTHA G. HANSON

of St. Johnsbury , as Administrative Assistant to the incoming President.

Senate Resolutions Adopted

Senate resolutions of the following titles were offered, read and adopted, and are as follows:

By Senator Shumlin,

S.R. 1. Senate resolution relating to the rules of the Senate.

Resolved by the Senate:

That the Senate be governed by the Permanent Rules of the Senate for the 2009 biennial session, as adopted in 1989, with amendments adopted in 1997, 2003, 2004, 2007, and 2008, until others are adopted.

By Senator Doyle,

S.R. 2. Senate resolution relating to appointment of a committee to inform the Governor of the organization of the Senate.

Resolved by the Senate:

That a committee of two Senators be appointed by the President to wait upon His Excellency, the Governor, and to inform him that the Senate has organized and is ready on its part to proceed with the business of the session.

By Senator Mazza,

S.R. 3. Senate resolution relating to informing the House of the organization of the Senate.

Resolved by the Senate:

That the Secretary be directed to inform the House of Representatives that a quorum of the Senate has assembled and organized by the election of **David A. Gibson**, of Brookline, as Secretary, and **Peter E. Shumlin**, a Senator from Windham District, as President *pro tempore*, and is ready on its part to proceed with the business of the session.

By Senators Shumlin, Mazza, Campbell, Doyle and Mullin,

S.R. 4. Senate resolution relating to meeting dates of the Senate.

Resolved by the Senate:

That for the 2009 session, beginning with the week of January 12 and extending through the week ending February 28, Rule 7 of the Permanent Rules of the Senate, as adopted in 1989 and as amended in 1997, 2003, 2004, 2007 and 2008, is suspended and the following Temporary Rule 7 is adopted:

Temporary Senate Rule 7. The Senate shall meet every Tuesday at nine o'clock and thirty minutes in the forenoon and Friday at eight o'clock and thirty minutes in the forenoon, unless otherwise ordered. In the discretion of the President *pro tempore* additional sessions of the Senate may be called on short notice.

Joint Resolutions Adopted on the Part of the Senate

Joint Senate resolutions of the following titles were severally offered, read and adopted on the part of the Senate, and are as follows:

By Senator Illuzzi,

J.R.S. 1. Joint resolution relating to joint rules.

Resolved by the Senate and House of Representatives:

That the joint rules of the Senate and the House as adopted in 2007 be adopted as the joint rules of this biennial session until others are adopted.

By Senator White,

J.R.S. 2. Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 8, 2009, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the freemen of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the freemen.

By Senator Doyle,

J.R.S. 3. Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 8, 2009, at two o'clock in the afternoon to receive the inaugural message of the Governor.

By Senator Shumlin,

J.R.S. 4. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 27, 2009, or Saturday, February 28, 2009, it be to meet again no later than Tuesday, March 10, 2009.

By Senator Shumlin,

J.R.S. 5. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Tuesday, January 22, 2009, at two o'clock in the afternoon to receive the budget message of the Governor.

Committee Appointed

Pursuant to the provisions of S.R. 2, the President appointed a Committee to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session:

Senator Shumlin
Senator Mullin

Report of Committee

Senator Shumlin, of Windham District, for the Committee appointed to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session, appeared at the bar of the Senate and reported that it had performed the duties assigned to it.

Canvassing Committee Elected

The President nominated as a committee on the part of the Senate to canvass votes for state officers,

Senator Giard, of Addison District
Senator Hartwell, of Bennington District
Senator Choate, of Caledonia District
Senator Ashe, of Chittenden District
Senator Starr, of Essex-Orleans District
Senator Brock, of Franklin District
Senator Mazza, of Grand Isle District
Senator Bartlett, of Lamoille District
Senator Mullin, of Rutland District
Senator Cummings, of Washington District
Senator White, of Windham District
Senator McCormack, of Windsor District

Thereupon, Senator Shumlin moved that the nominees be elected by the Senate, which was agreed to.

Thereupon, the President declared the nominees elected, and the Committee so elected received the oath of office from the Secretary.

The President designated Senator White, of Windham District, as Chair of the Joint Canvassing Committee to canvass votes for state officers.

Message from the House No. 1

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:

A quorum of the House has assembled and organized by the election of

Shapleigh Smith, Jr.

the Representative from Morristown, as Speaker, and

Donald G. Milne

of Washington, as Clerk, who in turn has appointed William M. MaGill of Montpelier as First Assistant Clerk and H. Gwynn Zakov of Barre as Second Assistant Clerk, and is ready on its part to proceed with the business of the session.

Message from the House No. 2

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 resolutions originating in the Senate of the following titles:

J.R.S. 1. Joint resolution relating to joint rules.

J.R.S. 2. Joint resolution to provide for a joint assembly to receive the report of the committee appointed to canvass votes for state officers.

J.R.S. 3. Joint resolution to provide for a joint assembly to hear the inaugural message of the Governor.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Shumlin, the Senate adjourned until nine o'clock and thirty minutes in the morning.