

Journal of the Senate

TUESDAY, JANUARY 27, 2009

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Amelia Pitton of Montpelier.

Pledge of Allegiance

Pages Lucy Hilgendorf and Daniel Hoyne-Grosvenor then led the members of the Senate in the pledge of allegiance.

Joint 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 Senator Shumlin,

J.R.S. 10. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 30, 2009, it be to meet again no later than Tuesday, February 3, 2009.

Joint Resolutions Placed on Calendar

J.R.S. 11.

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

By Senator Shumlin,

J.R.S. 11. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 19, 2009, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant-at-Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all

such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

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

J.R.S. 12.

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

By Senator Shumlin,

J.R.S. 12. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2009.

Whereas, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

Whereas, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

Whereas, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

Whereas, if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

Resolved by the Senate and House of Representatives:

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 19, 2009, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

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

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, are hereby adopted on the part of the Senate:

By Senators Doyle, Cummings, Scott and Carris,

By Representative Clarkson and others,

S.C.R. 4

Senate concurrent resolution congratulating the Vermont State Symphony Orchestra on its 75th anniversary.

By Senators Scott, Ashe, Campbell, Carris Cummings, Doyle, Illuzzi, MacDonald, Mazza, Miller, Racine and White,

S.C.R. 5.

Senate concurrent resolution honoring the Vermont Detachment of the Sons of the American Legion and welcoming Thomas Cisna, its 41 National Commander, to Vermont.

By Senators Sears, Miller, Ashe, Ayer, Bartlett, Brock, Campbell, Carris, Choate, Cummings, Doyle, Flanagan, Giard, Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Maynard, Mazza, McCormack, Mullin, Nitka, Racine, Scott, Shumlin, Snelling, Starr and White,

By Representative Atkins and others,

S.C.R. 6.

Senate concurrent resolution honoring Court Administrator and Vermont Supreme Court Clerk Lee Suskin.

[The full text of the Senate concurrent resolutions appeared in the Senate calendar addendum for January 23, 2009, 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 sixty-ninth 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:

H.C.R. 16

House concurrent resolution honoring former Representative Michael Flaherty of South Burlington

Offered by: Representative Audette and others

H.C.R. 17

House concurrent resolution congratulating Jocelyn Pond on her receipt of the William E. Mikell Spirit of Youth Award

Offered by: Representative Obuchowski and others

H.C.R. 18

House concurrent resolution congratulating the Bellows Falls All-Stars baseball team on winning the 2008 Cal Ripken Division state championship

Offered by: Representative Obuchowski and others

H.C.R. 19

House concurrent resolution congratulating the Rockingham Free Public Library on the 100th anniversary of its residency in its Carnegie Building home

Offered by: Representative Obuchowski and others

H.C.R. 20

House concurrent resolution congratulating Dr. Timothy Johnson on a quarter century of optometry practice in Bellows Falls

Offered by: Representative Obuchowski and others

H.C.R. 21

House concurrent resolution celebrating the 200-year history of the Muzzy-Allen-Monroe family in the town of Jamaica and its 160-year proprietorship of the J.A. Muzzy Company

Offered by: Representative Hube

Offered by: Senators Shumlin and White

H.C.R. 22

House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar Year 4707

Offered by: Representative Haas

H.C.R. 23

House concurrent resolution honoring Charles V. Fantoni of Barre Town for his state and community public service

Offered by: Representative Koch and McFaun

Offered by: Senators Doyle, Cummings, and Scott

H.C.R. 24

House concurrent resolution congratulating the Proctorsville Volunteer Fire Department on its 175th anniversary

Offered by: Representative Shand

Offered by: Senators Campbell, McCormack and Nitka

H.C.R. 25

House concurrent resolution honoring the Brattleboro Union High School marching band on its participation in the 2009 presidential inaugural parade in Washington, D.C.

Offered by: Representative O'Donnell and others

Offered by: Senators Shumlin and White

H.C.R. 26

House concurrent resolution congratulating the 2008 Harwood Union High School Highlanders Division II championship boys' cross-country team

Offered by: Representatives Minter and Stevens

Offered by: Senators Cummings, Doyle and Scott

H.C.R. 27

House concurrent resolution congratulating the Harwood Union High School Highlanders 2008 Division II championship field hockey team

Offered by: Representatives Minter and Stevens

Offered by: Senators Cummings, Doyle and Scott

H.C.R. 28

House concurrent resolution congratulating Brittany Kelemen of Jonesville on being crowned Miss Vermont Teen USA 2009

Offered by: Representative O'Brien

Offered by: Senator Racine

H.C.R. 29

House concurrent resolution recognizing the importance of nurse anesthetists in Vermont's health care system

Offered by: Representatives Keenan and Pugh

[The full text of the House concurrent resolutions appeared in the Senate calendar addendum for January 23, 2009, and will appear in the volume of the Public Acts and Resolves to be published for this session of the sixty-ninth biennial session of the Vermont General Assembly.]

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 adopted House concurrent resolutions of the following titles:

H.C.R. 16. House concurrent resolution honoring former Representative Michael Flaherty of South Burlington.

H.C.R. 17. House concurrent resolution congratulating Jocelyn Pond on her receipt of the William E. Mikell Spirit of Youth Award.

H.C.R. 18. House concurrent resolution congratulating the Bellows Falls All-Stars baseball team on winning the 2008 Cal Ripken Division state championship.

H.C.R. 19. House concurrent resolution congratulating the Rockingham Free Public Library on the 100th anniversary of its residency in its Carnegie Building home.

H.C.R. 20. House concurrent resolution congratulating Dr. Timothy Johnson on a quarter century of optometry practice in Bellows Falls.

H.C.R. 21. House concurrent resolution celebrating the 200-year history of the Muzzy-Allen-Monroe family in the town of Jamaica and its 160-year proprietorship of the J.A. Muzzy Company.

H.C.R. 22. House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar Year 4707.

H.C.R. 23. House concurrent resolution honoring Charles V. Fantoni of Barre Town for his state and community public service.

H.C.R. 24. House concurrent resolution congratulating the Proctorsville Volunteer Fire Department on its 175th anniversary.

H.C.R. 25. House concurrent resolution honoring the Brattleboro Union High School marching band on its participation in the 2009 presidential inaugural parade in Washington, D.C.

H.C.R. 26. House concurrent resolution congratulating the 2008 Harwood Union High School Highlanders Division II championship boys' cross-country team.

H.C.R. 27. House concurrent resolution congratulating the Harwood Union High School Highlanders 2008 Division II championship field hockey team.

H.C.R. 28. House concurrent resolution congratulating Brittany Keleman of Jonesville on being crowned Miss Vermont Teen USA 2009.

H.C.R. 29. House concurrent resolution recognizing the importance of nurse anesthetists in Vermont's health care system.

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

The House has considered concurrent resolutions originating in the Senate of the following titles:

S.C.R. 4. Senate concurrent resolution congratulating the Vermont State Symphony Orchestra on its 75th anniversary.

S.C.R. 5. Senate concurrent resolution honoring the Vermont Detachment of the Sons of the American Legion and welcoming Thomas Cisna, its 41st National Commander, to Vermont.

S.C.R. 6. Senate concurrent resolution honoring Court Administrator and Vermont Supreme Court Clerk Lee Suskin.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Mazza, the Senate adjourned until eight o'clock and thirty minutes in the forenoon on Friday, January 30, 2009.