

# Journal of the Senate

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TUESDAY, FEBRUARY 3, 2009

The Senate was called to order by the President.

## **Devotional Exercises**

Devotional exercises were conducted by the Reverend George Sweet of Randolph.

## **Pledge of Allegiance**

Pages Anna Abrams and Stanford Attig then led the members of the Senate in the pledge of allegiance.

## **Bill Referred to Committee on Appropriations**

### **S. 53**

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to restoration of chiropractic services in Medicaid in fiscal year 2009.

## **Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

### **S. 54.**

By Senators Lyons and Hartwell,

An act relating to clean energy assessment districts.

To the Committee on Natural Resources and Energy.

### **S. 55.**

By Senators Sears and Hartwell,

An act relating to the probate judge vacancy in Bennington County.

To the Committee on Government Operations.

**Committee Bill Introduced**

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

**S. 56.**

By the Committee on Health and Welfare,

An act relating to restoring federally funded positions in the Department of Health.

**Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

**S. 57.**

By Senators White and Shumlin,

An act relating to municipal regulation of water capacity.

To the Committee on Government Operations.

**S. 58.**

By Senators Carris, Ayer, Brock, Hartwell, Illuzzi and Mullin,

An act relating to electronic payment of wages.

To the Committee on Economic Development, Housing and General Affairs.

**S. 59.**

By Senators Carris, Ashe, Ayer, Hartwell, Illuzzi, Maynard, Miller, Mullin and White,

An act relating to approval of expenditures for gifts.

To the Committee on Government Operations.

**Joint Resolutions 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. 13.** Joint resolution relating to weekend adjournment.

*Resolved by the Senate and House of Representatives:*

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That when the two Houses adjourn on Friday, February 6, 2009, it be to meet again no later than Tuesday, February 10, 2009.

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By the Committee on Economic Development, Housing and General Affairs,

**J.R.S. 14.** Joint resolution concerning the protection of The Wilderness Civil War battlefield, an historic site important to the State of Vermont, the Commonwealth of Virginia, and all of the United States of America.

*Whereas*, the battle of The Wilderness, fought on May 5 and 6, 1864, was one of the largest and most important battles of the Civil War and the first confrontation between General Ulysses S. Grant and General Robert E. Lee, and

*Whereas*, this site, where more than 161,000 Americans were engaged and nearly 29,000 Americans became casualties, is hallowed ground, and

*Whereas*, the story of the Battle of The Wilderness is one of valor for both armies that fought there, and

*Whereas*, the First Vermont Brigade suffered 1,234 casualties on May 5 and 6 in defending the important intersection of the Brock Road and the Plank Road, and

*Whereas*, the State of Vermont has played an important role in the preservation of a key portion of the battlefield, specifically 500 acres within the southwest quadrant of the intersection where the Vermonters fought as part of George Getty's Sixth Corps Division, and

*Whereas*, Vermont has erected a Barre granite monument on that land in tribute to its sons who struggled there, and

*Whereas*, developers plan to construct a big box store, likely to attract ancillary stores, near the intersection of the historic Germanna Plank Road and the Orange Turnpike, on land used as a staging area during the battle, and near the entrance to the Fredericksburg and Spotsylvania National Military Park, and

*Whereas*, such a massive commercial enterprise in this largely rural area would have a negative effect on the entire Wilderness battlefield by occupying historic ground, by making additional road construction and other improvements necessary, and by spurring additional development in and around the battlefield, much of which is preserved as part of the Fredericksburg and Spotsylvania National Military Park, and

*Whereas*, the Civil War Sites Advisory Commission has identified the proposed store site as part of The Wilderness battlefield, and

*Whereas*, the battlefield certainly cannot be moved, *now therefore be it*

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

That the General Assembly of the State of Vermont respectfully asks that the commercial developers find an alternative location for their stores in an area farther from the battlefield that will not have a negative impact on an important historic area, *and be it further*

***Resolved:*** That the Vermont General Assembly asks the Orange County (Virginia) Board of Supervisors to continue to protect the area designated as part of the battlefield, *and be it further*

***Resolved:*** That the Vermont General Assembly asks the Governor of Virginia and the House and Senate of the Commonwealth for their assistance in this instance in lending strong support to protecting the historic ground of The Wilderness battlefield that is so important to the history of our state, the Commonwealth of Virginia, and the entire nation, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to Governor Timothy Kaine of Virginia, Speaker of the Virginia House of Delegates William J. Howell, Virginia President of the Senate Lieutenant Governor William T. Bolling, President Pro Tempore of the Virginia Senate Charles J. Colgan, the Orange County (Virginia) Board of Supervisors, and to the Vermont Congressional delegation and to Wal-Mart Stores, Inc. President and Chief Executive Officer H. Lee Scott.

**Joint Resolution Placed on Calendar**

**J.R.H. 5**

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

Joint House resolution supporting the candidacy of Linda M. Perham to serve as national commander of the American Legion.

Whereas, the American Legion is an organization composed of veterans of our nation's military services that works to ensure they are not forgotten, and

Whereas, the American Legion promotes patriotism and loyalty to our nation and its values, and

Whereas, the men and women who are American Legion members belong to local posts throughout the United States, including Vermont, and

Whereas, the highest officer in the American Legion is the national commander, who represents the organization before many forums in both government and the private sector, and

Whereas, the national commander has never been a Vermonter and has always been a male, and

Whereas, Linda Perham, who grew up in Bellows Falls, is a superb candidate for the office of American Legion national commander who, if elected, would become both the first Vermonter and the first woman to reach the pinnacle of the American Legion's leadership, and

Whereas, the national commander visits American Legion Posts and addresses foreign dignitaries and troops both at home and overseas, and

Whereas, Linda Perham is a graduate of Bellows Falls High School and Southern Vermont College, from which she earned an associate degree magna cum laude in nursing, and

Whereas, she is a life member of American Legion Post #37, and

Whereas, for 13 years, Linda Perham served in the U.S. Army as a combat medic, licensed practical nurse, and registered nurse, and

Whereas, within the Vermont Department of the American Legion, she rose to the rank of department commander, and

Whereas, nationally, Linda Perham has served as an American Legion leader of great distinction, performing many roles including national vice commander, and

Whereas, the Vermont Department of the American Legion has enthusiastically endorsed her candidacy and is assisting her in the campaign process, and

Whereas, Linda Perham's selection as the national commander of the American Legion would be a historic milestone for women members of the American Legion and its posts in the state of Vermont, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its support for the candidacy of Linda Perham to serve as national commander of the American Legion, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to Team Vermont in Bennington and to Linda Perham.

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

**Bill Recommended****S. 22.**

Senate bill entitled:

An act relating to furlough for an offender convicted of a driving offense punishable by more than two years in prison.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Judiciary, on motion of Senator Sears, the bill was recommitted to the Committee on Judiciary.

**Joint Resolution Adopted in Concurrence****J.R.H. 4.**

Joint House resolution entitled:

Joint resolution relating to the Canine Good Citizenship program.

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

**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 Scott, Cummings, Doyle, Mazza, Kittell, Starr, Ayer, Brock, Campbell, Choate, Giard, Hartwell, Illuzzi, Kitchel, Maynard, McCormack, Nitka, Sears, Shumlin and White,

By Representative McDonald and others,

**S.C.R. 7.**

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Senate concurrent resolution celebrating the 75th anniversary of the Vermont Farm Show.

By Senators Carris, Hartwell, Sears and Shumlin,

**S.C.R. 8.**

Senate concurrent resolution recognizing the greater weather fortitude of the Vermont General Assembly in comparison to the New Hampshire General Court.

[The full text of the Senate concurrent resolutions appeared in the Senate calendar addendum for January 30, 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:

By Representative Morrissey and others,

By Senators Hartwell and Sears,

**H.C.R. 30.**

House concurrent resolution honoring the judicial career of Bennington Probate Judge Doris Buchanan.

By Representative Lenex and others,

**H.C.R. 31.**

House concurrent resolution recognizing the work of the National Alliance of Mental Illness.

By Representative Hube and others,

By Senators Campbell, Carris, Hartwell, Maynard, McCormack, Mullin, Nitka, Sears, Shumlin and White,

**H.C.R. 32.**

House concurrent resolution commending the leadership of Central Vermont Public Service and the support of other electric companies and state offices in restoring electric power in southern Vermont following the December 2008 ice storm.

By Representative McDonald and others,

By Senators Cummings, Doyle and Scott,

**H.C.R. 33.**

House concurrent resolution in memory of Mary Jane Shriver of Berlin.

By Representatives Macaig and McCullough,

**H.C.R. 34.**

House concurrent resolution congratulating the 2008 Williston All Stars state championship Little League Baseball team Williston.

By Representatives Morrissey and Krawczyk,

**H.C.R. 35.**

House concurrent resolution congratulating the Fraternal Order of Eagles' Bennington Aerie #1861 on its centennial anniversary.

[The full text of the House concurrent resolutions appeared in the Senate calendar addendum for January 30, 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.]

**Message from the House No. 16**

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. 30.** House concurrent resolution honoring the judicial career of Bennington Probate Judge Doris Buchanan.

**H.C.R. 31.** House concurrent resolution recognizing the work of the National Alliance of Mental Illness.

**H.C.R. 32.** House concurrent resolution commending the leadership of Central Vermont Public Service and the support of other electric companies and state offices in restoring electric power in southern Vermont following the December 2008 ice storm.

**H.C.R. 33.** House concurrent resolution in memory of Mary Jane Shriver of Berlin.



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**H.C.R. 34.** House concurrent resolution congratulating the 2008 Williston All Stars state championship Little League Baseball team Williston.

**H.C.R. 35.** House concurrent resolution congratulating the Fraternal Order of Eagles' Bennington Aerie #1861 on its centennial anniversary.

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. 7.** Senate concurrent resolution celebrating the 75th anniversary of the Vermont Farm Show.

**S.C.R. 8.** Senate concurrent resolution recognizing the greater weather fortitude of the Vermont General Assembly in comparison to the New Hampshire General Court.

And has adopted the same in concurrence.

#### **Adjournment**

On motion of Senator Shumlin, the Senate adjourned until eight o'clock and thirty minutes in the forenoon on Friday, February 6, 2009.