

# Journal of the Senate

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THURSDAY, APRIL 2, 2009

The Senate was called to order by the President *pro tempore*.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Message from the House No. 43

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 resolution originating in the Senate of the following title:

**J.R.S. 27.** Joint resolution relating to weekend adjournment.

And has passed the same in concurrence.

## Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

### S. 138.

By Senators Sears and Campbell,

An act relating to credit card fees.

To the Committee on Judiciary.

## President Assumes the Chair

**Consideration Resumed; Report of Committee of Conference Accepted and Adopted on the Part of the Senate**

### H. 232.

Consideration was resumed on House bill entitled:

An act relating to fiscal year 2009 budget adjustment.

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was agreed to on a roll call, Yeas 26, Nays 1.

Senator Ayer having demanded the yeas and nays, they were taken and are as follows:

### **Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Bartlett, Brock, Campbell, Carris, Choate, Doyle, Flanagan, Giard, Hartwell, Illuzzi, Kittell, Lyons, MacDonald, Maynard, Mazza, Mullin, Nitka, Racine, Scott, Sears, Shumlin, Snelling, Starr, White.

**The Senator who voted in the negative was:** Miller.

**Those Senators absent and not voting were:** Cummings, Kitchel, McCormack.

### **Consideration Postponed**

Senate bills entitled:

#### **S. 54.**

An act relating to clean energy assessment districts.

#### **S. 77.**

An act relating to the disposal of electronic waste.

#### **S. 99.**

An act relating to amending the Act 250 criteria relating to traffic, scattered development, and rural growth areas.

#### **S. 126.**

An act relating to digital forensic specialists.

Were taken up.

Thereupon, without objection consideration of the bills was postponed until the next legislative day.

### **Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 19.** An act relating to extension of filing deadlines for homestead declarations and property tax adjustment claims.

**S. 28.** An act relating to the regulation of landscape architects.

**S. 58.** An act relating to electronic payment of wages.

**S. 128.** An act relating to workers' compensation benefits and misclassification.

**Bill Ordered to Lie**

**H. 11.**

House bill entitled:

An act relating to the disposition of property upon death, transfer of interest in vehicle upon death, and homestead exemption.

Was taken up.

Thereupon, pending the question, Shall the bill pass in concurrence with proposal of amendment?, on motion of Senator Campbell, the bill was ordered to lie.

**Joint Resolutions Referred**

**J.R.S. 26.**

Joint Senate resolution entitled:

Joint resolution relating to the legalization of industrial hemp.

Having been placed on the Calendar for action, was taken up and pending the question, Shall the joint Senate resolution be adopted on the part of the Senate?, on motion of Senator Sears, the joint resolution was referred to the Committee on Judiciary.

**J.R.H. 14.**

Joint House resolution entitled:

Joint resolution relating to the closure and rehabilitation of the Vilas Bridge.

Having been placed on the Calendar for action, was taken up and pending the question, Shall the joint House resolution be adopted in concurrence?, on motion of Senator Mazza, the joint resolution was referred to the Committee on Transportation.

**Consideration Resumed; Third Reading Ordered**

**S. 127.**

Consideration was resumed on Senate Committee bill entitled:

An act relating to small school districts that pay tuition for their resident students.

Thereupon, the recurring question, Shall the bill be read the third time?, was decided in the affirmative.

### **Third Reading Ordered**

#### **S. 121.**

Senate committee bill entitled:

An act relating to miscellaneous election laws.

Having appeared on the Calendar for notice for one day, was taken up.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be read a third time?, Senator White, on behalf of the Committee on Government Operations, moved to amend the bill by adding a new Sec. 4a to read as follows:

Sec. 4a. 17 V.S.A. § 2685 is amended to read:

#### **§ 2685. INSPECTION OF BALLOTS**

At the time and place specified by the clerk, the board of civil authority shall break the seal, open the ballot container and recount the votes, unless the candidate who petitions for a recount requests that the recount be conducted by optical scanner. The petitioner, the opposing candidates and their designated representatives may inspect the ballots and observe the recount under the guidance of the board. The board shall certify the result to the clerk, who shall declare the result. After the recount the board shall seal the ballots and other materials back in the containers and the town clerk shall safely store them as provided in section 2590 of this title.

Which was agreed to.

Thereupon, the pending question, Shall the bill be read a third time?, was decided in the affirmative.

### **Rules Suspended; Bills Messaged**

On motion of Senator Shumlin, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

**S. 19, S. 28, S. 58, S. 128, H. 232.**

### **Adjournment**

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