

# **Journal of the Senate of the STATE OF VERMONT ADJOURNED SESSION, 2010**

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**TUESDAY, JANUARY 5, 2010**

Pursuant to the provisions of the 2009 final adjournment joint resolution of the two Houses (J.R.S. 35), the Senate convened at the State House at Montpelier, on Tuesday, the fifth day of January, two thousand ten.

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 Michael Augustinowitz of Montpelier.

### **Pledge of Allegiance**

Page Haddie Lary then led the members of the Senate in the pledge of allegiance.

### **Resignation of Senator After Final Adjournment**

After final adjournment of the 2009 session, the following communication was received by the Secretary from the Honorable James H. Douglas, Governor of the State of Vermont, notifying the Senate of the resignation from the Senate, of Senator Hull Maynard which letter is as follows:

**Senator Hull Maynard**

**7983 Cold River Road  
Shrewsbury, VT 05738**

November 6, 2009

Governor James Douglas  
109 State Street  
Montpelier, VT 05609-0101

Dear Jim:

After 13 years, seven elections, I have concluded that it is time to relinquish my office as state senator. Three months ago I hurtled past the age of 75. I took stock of the situation and decided that I had some other priorities that needed attention.

My four grandchildren will all be on skis this winter, and I have missed special times because I come home more tired than my first years in this office. Weekends should be a time to keep up with the personal sides of our lives, and that is what I wish to do this winter.

I have enjoyed my standing committee work especially Government Operations, Education, Transportation and Agriculture. In addition I have enjoyed the appointments to the Governor's Veterans Council and the New England Board of Higher Education. If possible I would like to continue those and additionally your Rail Council.

I will always cherish the relationships with all the elected and support staff. I have the greatest admiration for the work and sacrifice you and your staff have put into the effort of making Vermont sustainable and affordable. I wish you, and Dorothy, the very best in your last year as our leader. Taffy and I will do all we can to move the mantel of leadership from your shoulders to those of Brian Dubie.

Respectfully yours,

/s/Hull P. Maynard, Jr.

Hull P. Maynard, Jr.

### **Message from the Governor**

A message was received from His Excellency, the Governor, by Heidi Tringe, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to deliver to the Senate a communication in writing.

### **Appointment Journalized**

The President laid before the Senate the following communication from His Excellency, the Honorable James H. Douglas, Governor of the State of Vermont, relating to the appointment of a new Senator from the District of Rutland, which was ordered entered in the Journal, and is as follows:

“State of Vermont  
Executive Department  
Montpelier

December 14, 2009

David A. Gibson  
Secretary of the Senate  
115 State Street  
Drawer 33  
Montpelier, Vermont 05633-5501

Dear Mr. Secretary:

I have the honor to inform you that I have appointed

**Margaret K. Flory, of Pittsford**

to fill the seat left vacant by the resignation of Senator Hull P. Maynard, Jr. in Rutland District. This appointment is effective December 15, 2009.

Sincerely,

/s/ James H. Douglas

James H. Douglas  
Governor”

**Committee Appointed; Oath Administered; New Senator Seated**

Thereupon, the President appointed Senator Mullin and Senator Carris as a committee of two to wait upon Senate-appointee, Margaret K. Flory, and to escort her to the bar of the Senate.

Thereupon, the Senate-appointee, Margaret K. Flory, was escorted to the bar of the Senate by Senator Mullin of Rutland District and Senator Carris of Rutland District, and took and subscribed the oath of office required by the Constitution from the Secretary of the Senate, David A. Gibson.

The new Senator then took her seat and assumed her legislative duties.

**Bills Introduced**

On motion of Senator Shumlin, the rules were suspended so that all Senate bills being introduced and read for the first time today be read by number only.

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

**S. 147.**

By Senator White,

An act relating to the size of accessory dwelling units.

To the Committee on Natural Resources and Energy.

**S. 148.**

By Senator Illuzzi,

An act relating to prohibiting distracted driving practices.

To the Committee on Transportation.

**S. 149.**

By Senator Sears,

An act relating to repealing the sunset of the law enforcement exemption to the security breach notice act.

To the Committee on Judiciary.

**S. 150.**

By Senator Sears,

An act relating to increasing the fine for illegally using parking reserved for disabled persons.

To the Committee on Transportation.

**S. 151.**

By Senators Sears and Brock,

An act relating to the use of wireless telephones and texting devices.

To the Committee on Transportation.

**S. 152.**

By Senator Sears,

An act relating to the fee for business directional signs.

To the Committee on Finance.

**S. 153.**

By Senator Sears,  
An act relating to preventing conviction of innocent persons.  
To the Committee on Judiciary.

**S. 154.**

By Senator Sears,  
An act relating to repealing the sunset on criminal history record check fees.  
To the Committee on Finance.

**S. 155.**

By Senator Illuzzi,  
An act relating to permitting a judge to hold another judicial elective office.  
To the Committee on Judiciary.

**S. 156.**

By Senator Illuzzi,  
An act relating to renaming the access area on Big Salem Lake.  
To the Committee on Institutions.

**S. 157.**

By Senators Miller, Carris and White,  
An act relating to a study of lowering the drinking age.  
To the Committee on Economic Development, Housing and General  
Affairs.

**S. 158.**

By Senator Sears,  
An act relating to marriage records.  
To the Committee on Judiciary.

**S. 159.**

By Senator Cummings,  
An act relating to custodial interrogations of minors.  
To the Committee on Judiciary.

**S. 160.**

By Senator Sears,

An act relating to probable cause to administer an employee drug test.

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

**S. 161.**

By Senator Sears,

An act relating to National Crime Prevention and Privacy Compact.

To the Committee on Judiciary.

**S. 162.**

By Senator Sears,

An act relating to consensual sexual conduct between minors.

To the Committee on Judiciary.

**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. 163.**

By the Committee on Judiciary,

An act relating to technical corrections to 2009 sex offender legislation.

**Bills Introduced**

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

**S. 164.**

By Senators Miller, Sears, Illuzzi and Scott,

An act relating to sales and use tax.

To the Committee on Finance.

**S. 165.**

By Senator Campbell,

An act relating to eliminating the statute of limitations for felonies.

To the Committee on Judiciary.

**S. 166.**

By Senator Illuzzi,

An act relating to restitution in animal cruelty cases.

To the Committee on Judiciary.

**S. 167.**

By Senator Illuzzi,

An act relating to the award of moose permits.

To the Committee on Natural Resources and Energy.

**S. 168.**

By Senator Illuzzi,

An act relating to negligent use of a firearm.

To the Committee on Judiciary.

**S. 169.**

By Senator Campbell,

An act relating to uniform adult guardianship and protective proceedings jurisdiction.

To the Committee on Judiciary.

**S. 170.**

By Senator Illuzzi,

An act relating to local land use regulation and home occupations.

To the Committee on Natural Resources and Energy.

**S. 171.**

By Senator Mullin,

An act relating to nutritional labeling of food by chain restaurants.

To the Committee on Health and Welfare.

**S. 172.**

By Senator Illuzzi,

An act relating to the uniform common interest ownership act.

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To the Committee on Judiciary.

**S. 173.**

By Senator Cummings,

An act relating to technical corrections to the trust laws.

To the Committee on Judiciary.

**S. 174.**

By Senator Illuzzi,

An act relating to authorizing chiropractors to prescribe drugs.

To the Committee on Health and Welfare.

**S. 175.**

By Senator Illuzzi,

An act relating to crimes against an unborn child.

To the Committee on Judiciary.

**S. 176.**

By Senators Kitchel and Bartlett,

An act relating to establishing a statewide prescription drug formulary.

To the Committee on Health and Welfare.

**S. 177.**

By Senators Kitchel and Bartlett,

An act relating to consolidation of health care administration.

To the Committee on Government Operations.

**S. 178.**

By Senator Carris,

An act relating to anatomical gift forms upon hospital admission.

To the Committee on Health and Welfare.

**S. 179.**

By Senator Carris,

An act relating to advance directive forms during hospital admission.

To the Committee on Health and Welfare.



**S. 180.**

By Senators Illuzzi, Kitchel, Shumlin and Starr,  
An act relating to sale of the John H. Boylan state airport.  
To the Committee on Institutions.

**S. 181.**

By Senator Bartlett,  
An act relating to cost containment in hospitals.  
To the Committee on Health and Welfare.

**S. 182.**

By Senator Sears,  
An act relating to determining unemployment compensation experience rating for successor businesses.  
To the Committee on Economic Development, Housing and General Affairs.

**S. 183.**

By Senator Illuzzi,  
An act relating to private activity bond authority.  
To the Committee on Government Operations.

**S. 184.**

By Senator Illuzzi,  
An act relating to election of the public service board.  
To the Committee on Government Operations.

**S. 185.**

By Senators Brock and Carris,  
An act relating to fraudulent government claims.  
To the Committee on Judiciary.

**S. 186.**

By Senator Brock,  
An act relating to requiring fiscal notes for all bills.

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To the Committee on Rules.

**S. 187.**

By Senators Brock and Carris,

An act relating to municipal financial audits.

To the Committee on Government Operations.

**S. 188.**

By Senator Ashe,

An act relating to a postemployment restriction for commissioner of the department of public service.

To the Committee on Government Operations.

**S. 189.**

By Senator White,

An act relating to parental consent to mental health treatment of minors under age 14.

To the Committee on Judiciary.

**S. 190.**

By Senator Illuzzi,

An act relating to establishing a general permit for the certification of hydroelectric projects.

To the Committee on Natural Resources and Energy.

**S. 191.**

By Senator Carris,

An act relating to an initial block of free electric power.

To the Committee on Finance.

**S. 192.**

By Senator Nitka,

An act relating to property tax deferral for elderly residents.

To the Committee on Finance.

**S. 193.**

By Senator Starr,

An act relating to public prekindergarten education programs, existing service providers, and property tax rates.

To the Committee on Education.

**S. 194.**

By Senator Bartlett,

An act relating to property tax relief for disabled veterans.

To the Committee on Finance.

**S. 195.**

By Senator Carris,

An act relating to revenue and spending information.

To the Committee on Government Operations.

**S. 196.**

By Senator Racine,

An act relating to processing the application for motor vehicle emergency light permits.

To the Committee on Transportation.

**S. 197.**

By Senator Lyons,

An act relating to Vermont renewable energy property tax assessments and tax credit portability.

To the Committee on Finance.

**S. 198.**

By Senators Miller, Carris and Mullin,

An act relating to the Vermont Economic Development Board.

To the Committee on Government Operations.

**S. 199.**

By Senator Ayer,

An act relating to the licensure of electronic life safety and property protection systems.

To the Committee on Government Operations.

**S. 200.**

By Senator Ayer,

An act relating to privatizing the sale of spirituous liquors.

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

**S. 201.**

By Senator Ayer,

An act relating to recycled content in plastic packaging.

To the Committee on Natural Resources and Energy.

**S. 202.**

By Senator Ayer,

An act relating to the homestead declaration.

To the Committee on Finance.

**S. 203.**

By Senators Shumlin and Hartwell,

An act relating to sales and use tax on geothermal energy generators.

To the Committee on Finance.

**S. 204.**

By Senators Miller, Carris and Ashe,

An act relating to tax increment financing.

To the Committee on Finance.

**S. 205.**

By Senator Ayer,

An act relating to the Revised Uniform Anatomical Gift Act.

To the Committee on Health and Welfare.

**S. 206.**

By Senators Miller, Carris and Mullin,

An act relating to Vermont's entrepreneurial economy and job growth.

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

**S. 207.**

By Senators Choate and Kittell,

An act relating to handling of milk samples.

To the Committee on Agriculture.

**S. 208.**

By Senator Kittell,

An act relating to the Vermont agricultural advisory board.

To the Committee on Government Operations.

**S. 209.**

By Senator Lyons,

An act relating to prohibiting the first student day of the academic year to occur before Labor Day.

To the Committee on Education.

**S. 210.**

By Senator Carris,

An act relating to a defined contribution retirement plan for teachers.

To the Committee on Government Operations.

**S. 211.**

By Senator Lyons,

An act relating to unorganized towns' and gores' appraisers and tax collections.

To the Committee on Government Operations.

**S. 212.**

By Senator Lyons,  
An act relating to child support for children with disabilities.  
To the Committee on Judiciary.

**S. 213.**

By Senator Illuzzi,  
An act relating to minimum wages for state contracts.  
To the Committee on Economic Development, Housing and General  
Affairs.

**S. 214.**

By Senator Lyons,  
An act relating to consolidating land use and environmental permit  
administration, rulemaking, and appeals into a department of environmental  
quality headed by an environmental council.  
To the Committee on Natural Resources and Energy.

**S. 215.**

By Senator McCormack,  
An act relating to mandatory gratuities.  
To the Committee on Economic Development, Housing and General  
Affairs.

**S. 216.**

By Senator McCormack,  
An act relating to credit card disclosures.  
To the Committee on Finance.

**S. 217.**

By Senator Bartlett,  
An act relating to a family caregiver exemption from jury duty.  
To the Committee on Judiciary.

**S. 218.**

By Senator Ayer,  
An act relating to voyeurism.  
To the Committee on Judiciary.

**S. 219.**

By Senator Lyons,  
An act relating to increasing renewable energy and energy efficiency projects in Vermont.  
To the Committee on Natural Resources and Energy.

**S. 220.**

By Senator Illuzzi,  
An act relating to reopening the canteen at the Vermont state hospital.  
To the Committee on Health and Welfare.

**S. 221.**

By Senators Illuzzi, Snelling and Ayer,  
An act relating to restrictions on nighttime operation of motor vehicles by junior operators and holders of learner's permits.  
To the Committee on Transportation.

**S. 222.**

By Senators Miller, Snelling and Carris,  
An act relating to recognition of Abenaki tribes.  
To the Committee on Economic Development, Housing and General Affairs.

**S. 223.**

By Senator Snelling,  
An act relating to design, installation, and maintenance standards for electrically charged wire fences.  
To the Committee on Agriculture.

**S. 224.**

By Senator Snelling,

An act relating to the establishment of a paint stewardship program.

To the Committee on Natural Resources and Energy.

**S. 225.**

By Senator Racine,

An act relating to the calculation of average daily membership in regional school choice agreements.

To the Committee on Education.

**S. 226.**

By Senators Miller, White and Shumlin,

An act relating to medical marijuana dispensaries.

To the Committee on Health and Welfare.

**S. 227.**

By Senator Nitka,

An act relating to uniform child custody jurisdiction and enforcement.

To the Committee on Judiciary.

**S. 228.**

By Senator Giard,

An act relating to prohibiting the use of neonicotinoid pesticides.

To the Committee on Agriculture.

**S. 229.**

By Senator Giard,

An act relating to mold insurance coverage.

To the Committee on Finance.

**S. 230.**

By Senator Giard,

An act relating to humane slaughter of livestock.

To the Committee on Agriculture.



**S. 231.**

By Senator Lyons,

An act relating to coordination and consistency in land use and energy planning and regulation and to portfolio and siting review of electric facilities.

To the Committee on Natural Resources and Energy.

**S. 232.**

By Senator Lyons,

An act relating to the collection and recycling of mercury-added lamps.

To the Committee on Natural Resources and Energy.

**S. 233.**

By Senator Lyons,

An act relating to the use of transfer of development rights for off-site mitigation of primary agricultural soils.

To the Committee on Natural Resources and Energy.

**S. 234.**

By Senator Lyons,

An act relating to the regulation of motor vehicle emissions.

To the Committee on Natural Resources and Energy.

**S. 235.**

By Senator Lyons,

An act relating to the water quality of state waters.

To the Committee on Agriculture.

**S. 236.**

By Senator Lyons,

An act relating to the water quality standards of Vermont.

To the Committee on Natural Resources and Energy.

**S. 237.**

By Senators Snelling and Lyons,

An act relating to operational standards for salvage yards.

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To the Committee on Natural Resources and Energy.

**S. 238.**

By Senator Lyons,

An act relating to coordinating land use planning among various levels of government.

To the Committee on Natural Resources and Energy.

**S. 239.**

By Senator Lyons,

An act relating to retiring outdoor wood-fired boilers that do not meet the 2008 emission standard for particulate matter.

To the Committee on Natural Resources and Energy.

**S. 240.**

By Senator Giard,

An act relating to providing a financial incentive to encourage early secondary school completion.

To the Committee on Education.

**S. 241.**

By Senator Giard,

An act relating to mediation and administrative due process hearings concerning the provision of special education services.

To the Committee on Education.

**S. 242.**

By Senator Giard,

An act relating to ensuring a free and appropriate education for a child with a severe disability whose needs are best met at home.

To the Committee on Education.

**S. 243.**

By Senator Giard,

An act relating to the creation of six regional centers to provide lifelong support to individuals with autism spectrum disorders and their families and to the creation of a Vermont council on autism spectrum disorders.

To the Committee on Government Operations.

**S. 244.**

By Senator Giard,

An act relating to creating a pilot regional center on autism spectrum disorders to serve Chittenden County.

To the Committee on Government Operations.

**S. 245.**

By Senator Illuzzi,

An act relating to a tri-state telecommunications compact commission.

To the Committee on Government Operations.

**S. 246.**

By Senator Lyons,

An act relating to proactive physical therapy and the Blueprint for Health.

To the Committee on Health and Welfare.

**S. 247.**

By Senator Lyons,

An act relating to bisphenol A.

To the Committee on Health and Welfare.

**S. 248.**

By Senators Lyons and Racine,

An act relating to social workers reporting animal cruelty.

To the Committee on Judiciary.

**S. 249.**

By Senator Lyons,

An act relating to health care career awareness and tax-free health care loan repayment.

To the Committee on Health and Welfare.

**S. 250.**

By Senator Hartwell,

An act relating to a uniform statewide format for corporate formations.

To the Committee on Finance.

**S. 251.**

By Senator Snelling,

An act relating to courier businesses.

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

**S. 252.**

By Senator Hartwell,

An act relating to creating regional school districts and no more than 16 supervisory unions.

To the Committee on Education.

**S. 253.**

By Senator Giard,

An act relating to promoting parental rights within the special education process.

To the Committee on Education.

**S. 254.**

By Senator Giard,

An act relating to educator licenses and professional development.

To the Committee on Education.

**S. 255.**

By Senators Snelling, Mazza and Miller,

An act relating to an amendment to the charter of the Chittenden County Transportation Authority.

To the Committee on Government Operations.

**S. 256.**

By Senators Miller and Carris,

An act relating to the taxation of capital gains, taxes on soft drinks, candy, and bottled water, and a groundwater withdrawal royalty.

To the Committee on Finance.

**S. 257.**

By Senators MacDonald and Racine,

An act relating to workers' compensation.

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

**S. 258.**

By Senator Starr,

An act relating to a moratorium on certificates of need for home health agencies.

To the Committee on Health and Welfare.

**S. 259.**

By Senator Starr,

An act relating to the tuition to be paid by a designating school district.

To the Committee on Education.

**S. 260.**

By Senator Brock,

An act relating to public access to criminal conviction records.

To the Committee on Judiciary.

**S. 261.**

By Senator McCormack,

An act relating to interference with or cruelty to a service animal.

To the Committee on Judiciary.

**S. 262.**

By Senators Carris and Campbell,

An act relating to insurance coverage for autism diagnosis and treatment.

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To the Committee on Finance.

**S. 263.**

By Senators Shumlin and Miller,

An act relating to job creation and economic development.

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

**S. 264.**

By Senator Kittell,

An act relating to the Vermont dairy industry stabilization and health (DISH) program.

To the Committee on Agriculture.

**S. 265.**

By Senator Illuzzi,

An act relating to authorizing the fish and wildlife board to adopt a rule requiring hunters to wear blaze orange attire.

To the Committee on Natural Resources and Energy.

**S. 266.**

By Senators Illuzzi, Campbell, Carris and Shumlin,

An act relating to rights of workers' compensation claimants.

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

**S. 267.**

By Senator Lyons,

An act relating to home- and community-based health services for senior citizens.

To the Committee on Health and Welfare.

**S. 268.**

By Senator Ayer,

An act relating to the building bright futures council.

To the Committee on Government Operations.

**S. 269.**

By Senator Carris,

An act relating to studying the legalization and taxation of marijuana sales and use.

To the Committee on Judiciary.

**S. 270.**

By Senator White,

An act relating to state regulation of rent-to-own agreements for merchandise.

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

**S. 271.**

By Senators Kittell and Brock,

An act relating to driving while intoxicated and to forfeiture and registration of motor vehicles.

To the Committee on Judiciary.

**S. 272.**

By Senators Sears, Campbell and Mullin,

An act relating to human trafficking.

To the Committee on Judiciary.

**S. 273.**

By Senators Sears and Mullin,

An act relating to assault of a pregnant woman.

To the Committee on Judiciary.

**S. 274.**

By Senators White and Racine,

An act relating to the creation of the Vermont advisory commission on intergovernmental relations.

To the Committee on Government Operations.

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**Rules Suspended; Committee Relieved of Further Consideration; Bills Committed**

**H. 93.**

On motion of Senator Shumlin, the rules were suspended, and H. 93 was taken up for immediate consideration, for the purpose of relieving the Committee on Rules from further consideration of the bill. Thereupon, on motion of Senator Shumlin, the Committee on Rules was relieved of House bill entitled:

An act relating to leasing state forestland for maple sugar production,  
and the bill was committed to the Committee on Institutions.

**H. 147.**

On motion of Senator Shumlin, the rules were suspended, and H. 147 was taken up for immediate consideration, for the purpose of relieving the Committee on Rules from further consideration of the bill. Thereupon, on motion of Senator Shumlin, the Committee on Rules was relieved of House bill entitled:

An act relating to the operation of a motor vehicle by junior operators and primary safety belt enforcement,  
and the bill was committed to the Committee on Transportation.

**H. 240.**

On motion of Senator Shumlin, the rules were suspended, and H. 240 was taken up for immediate consideration, for the purpose of relieving the Committee on Rules from further consideration of the bill. Thereupon, on motion of Senator Shumlin, the Committee on Rules was relieved of Senate bill entitled:

An act relating to no-net-loss of state hunting lands,  
and the bill was committed to the Committee on Natural Resources and Energy.

**H. 331.**

On motion of Senator Shumlin, the rules were suspended, and H. 331 was taken up for immediate consideration, for the purpose of relieving the Committee on Rules from further consideration of the bill. Thereupon, on motion of Senator Shumlin, the Committee on Rules was relieved of House bill entitled:



An act relating to technical changes to the records management authority of the Vermont State Archives and Records Administration,

and the bill was committed to the Committee on Government Operations.

**H. 434.**

On motion of Senator Shumlin, the rules were suspended, and H. 434 was taken up for immediate consideration, for the purpose of relieving the Committee on Rules from further consideration of the bill. Thereupon, on motion of Senator Shumlin, the Committee on Rules was relieved of House bill entitled:

An act relating to agency of agriculture, food and markets revenues,

and the bill was committed to the Committee on Agriculture.

**Message from the Governor  
Appointments Referred**

A message was received from the Governor, by Heidi M. Tringe, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Bishop, Bethany of Montpelier - Commissioner of the Department of Economic Housing and Community Development, - from July 1, 2009, to February 28, 2011.

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

Brooks, Tayt of St. Albans - Commissioner of the Department of Economic, Housing and Community Development, - from October 5, 2009, to February 28, 2011.

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

Westman, Richard A. of Cambridge - Commissioner of the Department of Taxes, - from August 24, 2009, to February 28, 2011.

To the Committee on Finance.

Earle, Caroline of Barre - Commissioner of the Department of Human Resources, - from September 28, 2009, to February 28, 2011.

To the Committee on Government Operations.

Tucker, David of Northfield - Commissioner of the Department of Information and Innovation, - from November 9, 2009, to February 28, 2011.

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To the Committee on Government Operations.

Jonson, Justin of Barre - Commissioner of the Department of Environmental Conservation, - from July 16, 2009, to February 28, 2011.

To the Committee on Natural Resources and Energy.

Ide, Robert D. of Peacham - Commissioner of the Department of Motor Vehicles, - from August 16, 2009, to February 28, 2011.

To the Committee on Transportation.

Williams, Robert of Poultney - Member of the Electricians' Licensing Board, - from August 3, 2009, to June 30, 2012.

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

Larocque, Leo O. of Whiting - Member of the Electricians' Licensing Board, - from August 3, 2009, to June 20, 2012.

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

Lamberton, Wayne of Montpelier - Member of the Electricians' Licensing Board, - from August 3, 2009, to June 30, 2011.

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

Karnedy, Gary F. of South Burlington - Member of the State Labor Relations Board, - from August 10, 2009, to June 30, 2015.

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

Marvin, David of Hyde Park - Member of the Sustainable Jobs Fund Board of Directors, - from September 14, 2009, to August 31, 2014.

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

Quillen-Blume, Lenae of Hartland - Member of the Sustainable Jobs Fund Board of Directors, - from September 14, 2009, to August 31, 2014.

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

Williamson, Linda J. of Windsor - Member of the Board of Libraries, - from July 1, 2009, to June 30, 2013.

To the Committee on Education.

Morse, Stephan of Newfane - Member of the State Board of Education, - from September 3, 2009, to February 28, 2011.

To the Committee on Education.

Kelley, Robert of Brandon - Member of the State Board of Education, - from July 21, 2009, to June 30, 2011.

To the Committee on Education.

Murphy, Sandi of Enosburg Falls - Member of the Valuation Appeals Board, - from October 19, 2009, to January 31, 2012.

To the Committee on Finance.

Jefferson, Shirley of South Royalton - Member of the State Police Advisory Commission, - from August 24, 2009, to June 30, 2013.

To the Committee on Government Operations.

Stearns, Aimee of Morrisville - Member of the State Police Advisory Commission, - from August 24, 2009, to June 30, 2013.

To the Committee on Government Operations.

Williams, Laura of East Montpelier - Member of the State Police Advisory Commission, - from August 24, 2009, to June 30, 2013.

To the Committee on Government Operations.

Fournier, Sarah of Newport - Member of the Children and Family Council for Prevention Programs, - from September 21, 2009, to February 28, 2012.

To the Committee on Health and Welfare.

Dupuis, David of Putney - Member of the Children and Family Council for Prevention Programs, - from July 22, 2009, to February 28, 2012.

To the Committee on Health and Welfare.

Coakley, Kellie of Vergennes - Member of the Children and Family Council for Prevention Programs, - from July 22, 2009, to February 28, 2012.

To the Committee on Health and Welfare.

Josephson, Nan of Hubbardton - Member of the Children and Family Council for Prevention Programs, - from July 22, 2009, to February 28, 2012.

To the Committee on Health and Welfare.

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Drew, Michael A., M.D. of Rutland - Member of the Board of Medical Practice, - from June 26, 2009, to December 31, 2013.

To the Committee on Health and Welfare.

Frank, Thomas E. of Essex - Member of the Public Oversight Commission, - from August 24, 2009, to February 28, 2012.

To the Committee on Health and Welfare.

MacDonald, Gregory J., M.D. of East Montpelier - Member of the Vermont Tobacco Evaluation and Review Board, - from July 1, 2009, to June 30, 2012.

To the Committee on Health and Welfare.

Shields, Bruce of Wolcott - Member of the Current Use Advisory Board, - from September 3, 2009, to January 31, 2012.

To the Committee on Natural Resources and Energy.

Dimitruk, Catherine of Colchester - Member of the Vermont Natural Gas and Oil Resources Board, - from June 15, 2009, to February 28, 2010.

To the Committee on Natural Resources and Energy.

Melville, Aaron of St. Johnsbury - Member of the Vermont Natural Gas and Oil Resources Board, - from October 16, 2009, to February 28, 2012.

To the Committee on Natural Resources and Energy.

Malter, John of Waterbury Center - Member of the Vermont Natural Gas and Oil Resources Board, - from May 27, 2009, to February 28, 2011.

To the Committee on Natural Resources and Energy.

Smith, Harvey of New Haven - Member of the Vermont Natural Gas and Oil Resources Board, - from May 27, 2009, to February 28, 2012.

To the Committee on Natural Resources and Energy.

Olenick, Alice of Waitsfield - Member of the Natural Resources Board, Land Use Panel, - from February 1, 2010, to January 31, 2014.

To the Committee on Natural Resources and Energy.

Nicholls, John of Barre - Member of the Natural Resources Board, Water Resources Panel, - from February 1, 2010, to January 31, 2014.

To the Committee on Natural Resources and Energy.

Kreisel, Peter of Colchester - Member of the Vermont Citizens Advisory Committee on Lake Champlain's Future, - from May 4, 2009, to February 28, 2012.

To the Committee on Natural Resources and Energy.

Peterson, Jan E. of Essex Junction - Member of the Vermont Citizens Advisory Committee on Lake Champlain's Future, - from May 4, 2009, to February 28, 2011.

To the Committee on Natural Resources and Energy.

### **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. 36.** Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

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

That the two Houses meet in Joint Assembly on Thursday, January 7, 2010, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor.

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. 37.** Joint resolution relating to Town Meeting adjournment.

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

That when the two Houses adjourn on Friday, February 26, 2010, or Saturday, February 27, 2010, it be to meet again no later than Tuesday, March 9, 2010.

### **Joint Resolution Referred**

#### **J.R.S. 38.**

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

By Senators Ayer, Giard and Shumlin,

**J.R.S. 38.** Joint resolution strongly supporting the expenditure of a maximum of \$1 million from Vermont's 2010 American Recovery and

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Reinvestment Act allocation to assist Addison County businesses and nonprofit institutions that have sustained severe economic losses due to the closure of the Lake Champlain bridge at Crown Point

*Whereas*, in 1929, the governors of New York and Vermont dedicated the Lake Champlain bridge which crosses Lake Champlain with a roadway linking Chimney Point, Vermont and Crown Point, New York, and

*Whereas*, for eight decades, the Lake Champlain bridge served as an essential transportation thoroughfare and economic engine for residents and businesses in both states, enabling thousands of persons to travel to their jobs and avail themselves of vital services, including health care, in an efficient and timely manner, and

*Whereas*, in recent years, 3,500 cars traveled cross the bridge on a typical day, and

*Whereas*, on Friday, October 16, 2009, the New York Department of Transportation closed the bridge to all traffic due to its severe deterioration and the department's fears for the public's safety, and

*Whereas*, the immediate economic impact on individuals and local communities has been close to catastrophic, and within days of the bridge's closing, Vermont Secretary of Transportation David Dill declared an emergency, and

*Whereas*, although emergency interim measures, including the continuation of the Ticonderoga ferry service beyond its normal seasonal closing date and the initiation of a pedestrian ferry between the Basin Harbor Club in Vergennes and Westport, New York, have slightly eased the new burdens forced on area businesses, the hardships that their employees have suffered, including inordinately long 100-mile commutes or, alternatively, five-day weekly separations of families, remain, and

*Whereas*, businesses close to the bridge have been severely hampered, if not crippled, and other businesses and nonprofit institutions, located further from the water's edge, have also experienced major negative economic consequences, and

*Whereas*, although a new ferry located close to the now demolished bridge's site is planned, the construction of a permanent replacement span will require many months, if not years, and in the meantime, economic relief is essential for Vermont businesses and nonprofit organizations that have been so seriously harmed, and

*Whereas*, in a joint press conference held on December 1, 2009, House Speaker Shap Smith and Senate Pro Tempore Peter Shumlin proposed that a maximum of \$1 million from Vermont's 2010 American Recovery and Reinvestment Act allocation be directed to assist Addison County businesses and nonprofit institutions that have sustained economic losses due to the closure of the Lake Champlain bridge at Crown Point, and

*Whereas*, Governor James Douglas has offered a similar proposal, and

*Whereas*, within the week, the state of Vermont must submit an application to the federal government for release of the state's 2010 federal monetary allocation from the American Recovery and Reinvestment Act, and it is important that a written expression of the General Assembly's support for this expenditure accompany that application, *now therefore be it*

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

That the General Assembly strongly supports the expenditure of a maximum of \$1 million from Vermont's 2010 American Recovery and Reinvestment Act allocation to assist Addison County businesses and nonprofit institutions that have sustained economic losses due to the closure of the Lake Champlain bridge at Crown Point, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to the Vermont office of stimulus and economic recovery for submission as part of the upcoming application for federal stimulus funding to Governor James Douglas and to the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Appropriations.

**Senate Resolution Adopted**

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

By the Committee on Rules,

**S.R. 16.** Senate resolution relating to meeting dates of the Senate.

***Resolved by the Senate:***

That for the adjourned session of the 2009 biennium, beginning with the week of January 5 and extending through the end of the biennial session, Rule 7 of the Permanent Rules of the Senate 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.

### **Consideration Postponed**

Senate bill entitled:

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

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

Was taken up.

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

### **Consideration Resumed; Third Reading Ordered**

#### **J.R.H. 15.**

Consideration was resumed on Joint House resolution entitled:

Joint resolution relating to the designation of commemorative observances in concurrent resolutions.

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

### **Standing Committees Realigned (after 2009 adjournment)**

The President, on behalf of the Committee on Committees, and as a result of the resignation of Senator Maynard and subsequent replacement by Senator Flory, reported realignments and new appointments for four of the standing committees, as follows:

#### **Education**

P.M.	Senator Starr, Chair	Room 28
	Doyle, Vice-Chair	
	<i>Flory</i>	
	[Giard]	
	Nitka, Clerk	
	Brock	



**Finance**

P.M.                      Senator Cummings, Chair                      Room 6  
                                 Ayer, Vice-Chair  
                                 *Giard*  
                                 MacDonald, Clerk  
                                 [Maynard]  
                                 McCormack  
                                 Carris  
                                 Hartwell

**Natural Resources and Energy**

A.M.                      Senator Lyons, Chair                      Room 8  
                                 MacDonald, Vice-Chair  
                                 *Flory*  
                                 Snelling  
                                 McCormack  
                                 [Hartwell, Clerk]

**Transportation**

A.M.                      Senator Mazza, Chair                      Room 3  
                                 Scott, Vice-Chair  
                                 [Maynard]  
                                 Shumlin  
                                 Kitchel, Clerk  
                                 *Hartwell*

**Adjournment**

On motion of Senator Shumlin, the Senate adjourned until one o'clock and fifty minutes in the forenoon on Thursday, January 7, 2010.