

Journal of the Senate

TUESDAY, JANUARY 19, 2010

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kevin Rooney of Northfield.

Pledge of Allegiance

Pages Ira Fisher and Leah Hanzas 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. 42. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 22, 2010, it be to meet again no later than Tuesday, January 26, 2010.

Joint Resolutions Placed on Calendar

J.R.S. 43.

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

By Senator Shumlin,

J.R.S. 43. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 18, 2010, at ten o'clock and thirty minutes in the forenoon to elect two legislative Trustees of the Vermont State Colleges Corporation to serve a four year term commencing March 1, 2010, and expiring on March 1, 2014. In case election of all such Trustees 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 Trustees 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. 44.

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

By Senator Shumlin,

J.R.S. 44. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2010.

Whereas, in recent years it has become increasingly necessary to shorten the length of time spent by the General Assembly in joint session for the election of various officials, and

Whereas, if elections for multiple vacancies were 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 two legislative trustees of the Vermont State Colleges Corporation at a Joint Assembly to be held on February 18, 2010, 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 two.

(2) The two candidates receiving the greater number of votes shall be declared elected to fill the two vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or both of the two vacant positions, then voting shall continue on successive ballots for the unfilled position or positions until the vacancies have been filled by election declared of the two candidates receiving the greater number of 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.

Message from the Governor

A message was received from the Governor, by David Coriell, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the fourteenth day of January, 2010, pursuant to 3 V.S.A. §2002(b), I am herewith enclosing the following Executive Order:

01-10. Transfer of certain personnel positions within state government to the Department of Human Resources.

Executive Order Referred

The President laid before the Senate an executive order relating to transfer of certain personnel positions within state government to the Department of Human Resources

**STATE OF VERMONT
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER****[Transfer of Certain Personnel Positions Within State Government
to the Department of Human Resources]**

- WHEREAS, the Governor, pursuant to 3 V.S.A. §2001, may make such changes in the organization of the executive branch or in the assignment of functions among its units as he considers necessary for efficient administration; and
- WHEREAS, it is desirable to reorganize the departments and divisions of government by better coordinating certain activities and improve the coordination and effectiveness of services to the public; and
- WHEREAS, the Governor, pursuant to 3 V.S.A. §209, may transfer, temporarily or permanently, subordinates of any one department to another, as the needs of the State require and shall “provide for and require a practical working system to insure efficiency and mutual helpfulness among the departments” of State government; and
- WHEREAS, the Department of Human Resources is required to provide for centralized human resources management, 3 V.S.A. §2283(a), and to administer the State of Vermont’s workforce, including

personnel administration, labor relations, workforce training, and benefits, 3 V.S.A. §309 *et seq.*; and

WHEREAS, presently, personnel functions are performed by employees within state agencies and departments who are not subject to the authority of the Department of Human Resources; and

WHEREAS, the State could improve and enhance its ability to provide services to the public through the transfer of all personnel functions and associated positions within agencies and departments to the Department of Human Resources.

NOW THEREFORE, by virtue of the authority vested in me by 3 V.S.A., chapter 41 as Governor, I, James H. Douglas, do hereby:

1. Transfer, effective July 1, 2010, the following positions and incumbents from the Agencies and Departments designated below to the Department of Human Resources:

Position # Position Title and Agency/Department

Administration

040518	AoA Human Resource Director
040519	Personnel Administrator D
040520	Personnel Administrator D

Human Services

720005	Human Services Personnel Chief
720020	Personnel Administrator D
720016	HR Coordinator
720009	Personnel Administrator D
720018	HR Coordinator
720026	AHS Personnel Assistant
720017	Corrections Human Resources Administrator
720107	AHS Personnel Assistant
720019	Personnel Administrator B
720023	AHS Personnel Assistant
620004	VVH Human Resources Administrator
620179	Personnel Administrator A
720057	AHS Investigation Chief
720056	AHS Investigator
720055	AHS Investigator

Natural Resources

630071 Agency Human Resources Chief
630017 Human Resources Technician
630016 Personnel Administrator C

Transportation

860549 AOT Human Resources Chief
860304 AOT Human Resources Manager
860461 Personnel Administrator C
860003 Personnel Administrator D
860685 Personnel Administrator C
860285 Human Resources Administrator
861702 AOT Human Resources Spec III
861263 Personnel Administrator B
860935 Personnel Administrator D
860118 Personnel Administrator D
860275 AOT Investigator

BISHCA

290089 Personnel Administrator C

Education

770187 Education Human Resource Administrator

Labor

820429 VT DOL Human Resource Admin
820464 Personnel Administrator C
820087 Administrative Assistant B

Military

320105 Personnel Administrator D

Public Safety

330121 Pub Safety Human Resources Manager
330310 Personnel Administrator C

Liquor Control

310002 Personnel Administrator B

Lottery

800012 Personnel Administrator A

2. Transfer, effective July 1, 2010, any and all appropriations associated with the above listed positions from the affected Agencies and Departments to the Department of Human Resources.

3. Transfer, effective July 1, 2010, the functions, equipment, supplies and inventory associated with the above listed positions from the affected Agencies and Departments to the Department of Human Resources.
4. Direct the Commissioner of the Department of Human Resources to define the position duties and take appropriate classification actions prior to the effective date of the transfer. The Commissioner shall also take, with the assistance of the Agency Secretaries and Department Commissioners affected by the transfer, any and all necessary actions to organize, plan and effect an orderly transfer and transition.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002(b) and shall take effect on April 16, 2010, unless disapproved by resolution of the General Assembly.

Witness my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 14th day of January, A.D. 2010.

/s/ James H. Douglas

James H. Douglas
Governor

By the Governor:

/s/David M. Coriell

David M. Coriell
Secretary of Civil and Military Affairs
EXECUTIVE ORDER NO. 01-10

Thereupon, pursuant to the rules of the Senate, Executive Order No. 01-10 was referred to the Committee on Government Operations.

**Rules Suspended; Third Reading Ordered, Rules Suspended; Bill Passed;
Bill Messaged**

H. 477.

Appearing on the Calendar for notice, on motion of Senator Shumlin, the rules were suspended and House bill entitled:

An act relating to reauthorizing the Lake Champlain reciprocal fishing license.

Was taken up for immediate consideration.

Senator Lyons, for the Committee on Natural Resources and Energy, to which the bill was referred, reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Thereupon, on motion of Senator Shumlin, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

Thereupon, the bill was read the third time and passed in concurrence.

Thereupon, on motion of Senator Shumlin, the rules were suspended and the bill was ordered messaged to the House forthwith.

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.

Recess

On motion of Senator Shumlin the Senate recessed until 1:50 P.M.

Called to Order

At 1:55 P.M. the Senate was called to order by the President *pro tempore*.

Rules Suspended; Bill Ordered to Lie

S. 99.

Appearing on the Calendar for action, on motion of Senator Mazza, the rules were suspended and Senate bill entitled:

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

Was taken up for immediate consideration.

Thereupon, pending the question, Shall the bill be read a third time?, on motion of Senator Mazza, the bill was ordered to lie.

Recess

On motion of Senator Shumlin the Senate recessed until the fall of the gavel.

Called to Order

At two o'clock in the afternoon the Senate was called to order by the President.

Joint Assembly

At two o'clock, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 39. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at two o'clock and forty-seven minutes, the President assumed the Chair.

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 Hartwell and Sears,

By Representative Wilson,

S.C.R. 35.

Senate concurrent resolution congratulating Mildred Fern Beattie Forrest on her 100th birthday.

By Senators Kitchel and Choate,

By Representative Crawford and others,

S.C.R. 36.

Senate concurrent resolution congratulating Ben and Rosalie Harris on being named the recipients of the 2009 David G. Rahr Community Service Award.

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, is hereby adopted in concurrence:

By Representatives Martin and Emmons,

By Senators Campbell, McCormack and Nitka,

H.C.R. 193.

House concurrent resolution congratulating Harold and Marion Grout of Springfield on their 70th wedding anniversary.

By Representative Acinapura,

H.C.R. 194.

House concurrent resolution congratulating former Brandon volunteer fire department chief Charles Rivers on the 50th anniversary of his firefighting service.

By Representative O'Brien and others,

By Senator Racine,

H.C.R. 196.

House concurrent resolution congratulating the 2009 Mount Mansfield Union High School Cougars Division I championship boys' cross-country team.

By Representative Myers and others,

H.C.R. 197.

House concurrent resolution congratulating the 2009 Essex High School Rebels Division I girls' championship track and field team.

By Representative Myers and others,

H.C.R. 198.

House concurrent resolution congratulating the 2009 Essex High School Hornets Division I championship softball team.

By Representative Myers and others,

H.C.R. 199.

House concurrent resolution congratulating the 2009 Essex High School Division I championship boys' golf team.

By Representative Klein and others,
By Senators Cummings, Doyle and Scott,

H.C.R. 200.

House concurrent resolution congratulating U-32 Raiders boys' basketball coach Dan Gandin on his induction into the New England Basketball Hall of Fame.

By Representative Acinapura,

H.C.R. 201.

House concurrent resolution congratulating John Barnes on the 50th anniversary of his service as a Brandon volunteer firefighter.

By Representative South and others,
By Senators Choate and Kitchel,

H.C.R. 202.

House concurrent resolution congratulating Hannah Rowe of St. Johnsbury Academy on her interscholastic cross-country running accomplishments.

By Representatives Lanpher and Clark,
By Senators Ayer and Giard,

H.C.R. 203.

House concurrent resolution in memory of retired Vergennes fire chief Ralph J. Jackman.

By Representative Stevens and others,
By Senators Doyle, Cummings and Scott,

H.C.R. 204.

House concurrent resolution congratulating the 2009 Harwood Union High School Highlanders girls' and boys' Division II championship cross-country teams.

Message from the House No. 7

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. 193. House concurrent resolution congratulating Harold and Marion Grout of Springfield on their 70th wedding anniversary.

H.C.R. 194. House concurrent resolution congratulating former Brandon volunteer fire department chief Charles Rivers on the 50th anniversary of his firefighting service.

H.C.R. 196. House concurrent resolution congratulating the 2009 Mount Mansfield Union High School Cougars Division I championship boys' cross-country team.

H.C.R. 197. House concurrent resolution congratulating the 2009 Essex High School Rebels Division I girls' championship track and field team.

H.C.R. 198. House concurrent resolution congratulating the 2009 Essex High School Hornets Division I championship softball team.

H.C.R. 199. House concurrent resolution congratulating the 2009 Essex High School Division I championship boys' golf team.

H.C.R. 200. House concurrent resolution congratulating U-32 Raiders boys' basketball coach Dan Gandin on his induction into the New England Basketball Hall of Fame.

H.C.R. 201. House concurrent resolution congratulating John Barnes on the 50th anniversary of his service as a Brandon volunteer firefighter.

H.C.R. 202. House concurrent resolution congratulating Hannah Rowe of St. Johnsbury Academy on her interscholastic cross-country running accomplishments.

H.C.R. 203. House concurrent resolution in memory of retired Vergennes fire chief Ralph J. Jackman.

H.C.R. 204. House concurrent resolution congratulating the 2009 Harwood Union High School Highlanders girls' and boys' Division II championship cross-country teams.

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

Message from the House No. 8

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 concurrent resolutions originating in the Senate of the following titles:

S.C.R. 34. Senate concurrent resolution congratulating Lumbermens Merchandising Corporation on its 75th anniversary.

S.C.R. 35. Senate concurrent resolution congratulating Mildred Fern Beattie Forrest on her 100th birthday.

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, January 22, 2010.