

Journal of the Senate

TUESDAY, FEBRUARY 9, 2010

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mara Dowdall of Montpelier.

Pledge of Allegiance

Pages Haddie Lary and Madelyn McCrae then led the members of the Senate in the pledge of allegiance.

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. 287.

By the Committee on Finance,

An act relating to the licensing and regulation of loan servicers.

Joint Resolution Referred

J.R.S. 47.

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

By Senators Sears and Hartwell,

J.R.S. 47. Joint resolution strongly urging the Republic of Turkey to recognize the right to religious freedom for all its residents and to end all discriminatory policies directed against the Ecumenical Patriarchate of the Orthodox Church.

Whereas, the Ecumenical Patriarch Bartholomew is the spiritual leader of 300 million Orthodox Christians, is the 269th direct successor of the Apostle Andrew, and heads the second largest church in Christianity, and

Whereas, in the 6th century, the undivided Christian Church bestowed the titles Ecumenical Patriarch and Ecumenical Patriarchate on the Patriarch of

Constantinople, and these titles are exclusively spiritual and were never intended to confer any political or secular governance rights in the city of Constantinople (now Istanbul) on the Ecumenical Patriarchate, and

Whereas, since the formation of the Republic of Turkey in 1923, that nation has repeatedly and illegally adopted repressive discriminatory policies against the Ecumenical Patriarchate, including its conduct of religious governance, operation of institutions such as schools and orphanages, and ownership of property, and

Whereas, in 1923, and again in 1970, the Republic of Turkey imposed severe limitations on the fundamental spiritual existence and continuance of the Ecumenical Patriarchate, requiring that both the individual elected to this office, and the Hierarchs (the Metropolitans and Archbishops who elect him) be Turkish citizens, and

Whereas, only 15 of the 40 Hierarchs worldwide in Christian Orthodoxy reside in Turkey, and only two deacons and two priests now working for the Ecumenical Patriarchate are in a position to replace the Hierarchs in the future, and

Whereas, not only is the election of the Ecumenical Patriarch an exclusively spiritual matter that should be totally outside the authority of the Republic of Turkey, but the majority of Orthodox Christians and their religious leaders reside outside Turkey, and

Whereas, the Ecumenical Patriarchate is the first church of Orthodox Christianity worldwide, not just in Turkey, is responsible for worldwide coordination of pan-Orthodox Christian affairs, and serves as the spiritual center for 300 million Orthodox Christians, and

Whereas, in 1971, the government of the Republic of Turkey illegally closed the Theological School of Halki, and

Whereas, the Treaty of Lausanne, signed in 1923, was intended to assure the rights of minorities in Turkey, but the Ecumenical Patriarchate, even though it has existed in Turkey for 1,700 years, lacks any legal status, and

Whereas, a direct corollary of the Ecumenical Patriarchate's lack of legal status in Turkey is a governmental prohibition on its owning property, forcing the creation of an independent minority foundation to own and manage church-related buildings that in normal circumstances would be church-owned, and

Whereas, even with this substitute ownership system, the government confiscation of church-related properties is continuing, and

Whereas, a proposed new law on minority foundations' property rights has involved great secrecy and greatly concerns the Ecumenical Patriarchate, and

Whereas, even the ownership of churches has now been threatened because there are insufficient numbers of church members residing in the immediate area of a church, and

Whereas, the Republic of Turkey's refusal to grant work permits to foreigners has greatly impeded the daily activities of the Ecumenical Patriarchate, forcing clergy and lay individuals to leave the country regularly and reapply for admission, and

Whereas, in 2005, a panel of leading Christian and Jewish clergy testified before the congressional Helsinki Commission on the threat to Orthodox Christianity because of the Republic of Turkey's denial of the Ecumenical Patriarchate's basic human rights, and

Whereas, a record number of cosponsors supported the awarding of the Congressional Gold Medal to Ecumenical Patriarch Bartholomew, an award which has a distinguished historic recipient list, and

Whereas, the Republic of Turkey is seeking admission to the European Union, and refusing to grant human and legal rights to the Ecumenical Patriarchate is contrary to the EU-Turkey 2003 Accession Partnership, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly strongly urges the Republic of Turkey to recognize the right to religious freedom for all its residents and to end all discriminatory policies directed against the Ecumenical Patriarchate of the Orthodox Church, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Embassy of the Republic of Turkey in Washington, D.C., the Order of Saint Andrew the Apostle Archons of the Ecumenical Patriarchate in New York City, and the Vermont congressional delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing and General Affairs.

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. 48. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 12, 2010, it be to meet again no later than Tuesday, February 16, 2010.

Bill Amended; Third Reading Ordered

S. 90.

Senator Doyle, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to representative annual meetings.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2640a is added to read:

§ 2640a. REPRESENTATIVE ANNUAL MEETINGS

(a) A municipality with a population of 5,000 or greater may vote at a special or annual town meeting to establish a representative form of annual or special meeting.

(b) A representative form of annual or special meeting is a meeting of members elected by district to exercise exclusively all powers vested in the voters of the town. At a representative annual or special meeting, the members shall act upon all articles on the warning except those which relate to the election of officers, referenda, and other matters voted upon by Australian ballot.

(c) A vote to establish a representative form of annual or special meeting shall include a vote to establish:

(1) a certain number of elected members, a range of elected members, or a ratio of elected members to the number of voters. However, in no case shall the number of elected members be less than 100;

(2) a certain number of districts and the boundaries of those districts;

(3) who shall be ex officio voting members of the meeting;

(4) the procedure for accomplishing the representative meeting;

(5) any specific action to be taken at the representative meeting; and

(6) a procedure whereby the voters of the municipality may reconsider any action taken at a representative meeting.

(d) A vote establishing a representative form of annual or special meeting shall remain in effect until the municipality votes to discontinue or establish a new representative form of annual or special meeting at an annual or special meeting duly warned for that purpose.

And that when so amended the bill ought to pass.

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

Consideration Postponed

Senate bill entitled:

S. 282.

An act relating to updating and clarifying provisions regarding commercial driver licenses and commercial motor vehicles.

Was taken up.

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

Rules Suspended; Third Reading Ordered

S. 286.

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

An act relating to challenges for change.

Was taken up for immediate consideration.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered on a roll call, Yeas 28, Nays 1.

Senator Shumlin 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, Cummings, Doyle, Flanagan, Flory,

Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Mazza, Miller, Mullin, Nitka, Racine, Scott, Sears, Shumlin, Snelling, Starr, White.

The Senator who voted in the negative was: McCormack.

The Senator absent and not voting was: Giard.

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 Flory, Campbell, Carris, Doyle, Illuzzi, Mullin, Nitka and Snelling,

By Representative Acinapura and others,

S.C.R. 37.

Senate concurrent resolution in memory of Joan Wing.

By Senators Doyle, Cummings and Scott,

By Representative Klein,

S.C.R. 38.

Senate concurrent resolution congratulating Winona Greaves of Montpelier on her 100th birthday.

By Senators Kitchel, Choate, Campbell, McCormack and Nitka,

By Representative South and others,

S.C.R. 39.

Senate concurrent resolution in memory of Vermont artist Stephen Huneck of St. Johnsbury.

By Senators Doyle, Cummings and Scott,

S.C.R. 40.

Senate concurrent resolution honoring Good Beginnings of Central Vermont and its outstanding volunteer support programs for families of newborn and adopted infants.

[The full text of the Senate concurrent resolutions appeared in the Senate calendar addendum for February 5, 2010, 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.]

Adjournment

On motion of Senator Shumlin, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 10, 2010.