

# Journal of the Senate

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WEDNESDAY, APRIL 14, 2010

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Bill Referred to Committee on Finance

### H. 243.

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to the creation of a mentored hunting license.

## Bill Referred

House bill of the following title was read the first time and referred:

### H. 776.

An act relating to rental housing.

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

## Consideration Postponed

House bill entitled:

### H. 524.

An act relating to interference with or cruelty to a guide dog.

Was taken up.

Thereupon, without objection consideration of the bill was postponed until tomorrow.

Senate resolution entitled:

### S.R. 17.

Senate resolution urging Congress to authorize alternative waivers to the 21-year-old minimum drinking age that do not entail federal highway funding penalties for states.

Was taken up.

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

**Joint Resolution Adopted on the Part of the Senate**

**J.R.S. 47.**

Joint Senate resolution of the following title was read the third time and adopted on the part of the Senate:

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.

**Bill Passed in Concurrence with Proposals of Amendment**

**H. 648.**

House bill of the following title was read the third time and passed in concurrence with proposals of amendment:

An act relating to harassment and hazing policies at independent colleges.

**Third Reading Ordered**

**H. 773.**

Senator Flanagan, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to approval of amendments to the charter of the city of Burlington.

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.

**Proposals of Amendment; Third Reading Ordered**

**H. 408.**

Senator Kittell, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to improving nutrition programs.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: By inserting a new section to be numbered Sec. 4a to read as follows:

Sec. 4a. SUMMER EDUCATIONAL PROGRAMS; CAMPS

On or before October 1, 2010, the department of education shall report to the house committee on human services, the senate committee on health and welfare, and the house and senate committees on appropriations and on education regarding the number of school districts that operated or funded summer educational or recreational programs or camps.

Second: By striking out Sec. 5 in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. DIRECT CERTIFICATION FOR SCHOOL MEALS PROGRAMS

The department for children and families and the department of education shall continue to improve the monthly direct certification process through the use of automated data matches in order to certify children receiving 3SquaresVT or other programs or benefits deemed by federal law to make those children eligible for school breakfast, lunch, and summer meals programs.

And that the bill ought to pass in concurrence with such proposals of amendment.

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

**House Proposals of Amendment Concurred In**

**S. 28.**

House proposals of amendment to Senate bill entitled:

An act relating to the regulation of landscape architects.

Were taken up.

The House proposes to the Senate to amend the bill as follows:

First: By adding a new section to be numbered Sec. 4 to read as follows:

Sec. 4. FINDINGS

(a) The general assembly finds that:

(1) All states in the United States, with the exception of Vermont, regulate the profession of landscape architects.

(2) Most states do not have sunrise criteria for regulation of new professions such as that set forth in chapter 57 of Title 26.

(3) Landscape architecture is the fastest growing profession among design professions.

(4) Architects', engineers' and landscape architects' scopes of practice overlap.

(5) Architects and engineers are licensed by the state of Vermont, while landscape architects are not.

(6) The general welfare of Vermonters is impacted by the work of landscape architects and those impacts continue to grow with the growth of the profession.

(7) There are economic and environmental side effects resulting from the lack of regulation of landscape architects.

(8) It is clear that the provisions set forth in this act may benefit the Vermont economy and environment by promoting the landscape architect profession within and outside of the state.

(9) While it is not clear that regulation of landscape architects will benefit the public health, safety or welfare, or that unregulated practice will harm or endanger the public, health safety or welfare, the potential for those issues to affect Vermonters is bound to increase as the services become more popular.

(10) Based on the foregoing, the profession of landscape architects should be licensed as set forth in this act.

Second: By striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. REVIEW BY DIRECTOR OF THE OFFICE OF PROFESSIONAL REGULATION; REPEAL

(a) Sec. 2 of this act shall be repealed on July 1, 2014.

(b) On or before December 31, 2013, the director shall file a report with the house and senate committees on government operations on whether this act has benefited the public health, safety or welfare. The report shall make a specific finding of whether or not this act has benefited the public health, safety or welfare. If the report finds no such benefit, this act shall be repealed on July 1, 2014.

Thereupon, the question, Shall the Senate concur in the House proposals of amendment?, was decided in the affirmative.

**Rules Suspended; Bill Messaged**

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

**H.648.****Rules Suspended; Joint Resolution Messaged**

On motion of Senator Shumlin, the rules were suspended, and the following joint resolution was ordered messaged to the House forthwith:

**JRS.47.****Appointments Confirmed**

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator Shumlin, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:

Alberts, Robert of Bridport - Member of the Vermont Housing Finance Agency, - from February 9, 2010, to January 31, 2014.

Canney, Dagne of North Clarendon – Member of the Vermont Housing Finance Agency – February 9, 2010, to January 31, 2014.

Davis, Susan of Shelburne - Member – Travel Information Council, - from March 1, 2010, to February 29, 2012.

Gentile, Betsy of Guilford – Member of the Economic Incentive Review Board, - from April 1, 2009, to March 31, 2013.

Gibbons, Kenneth of Hyde Park - Member of the Vermont Educational and Health Buildings Financing Agency, - from February 1, 2010, to January 31, 2016.

Gregory, Peter of Hartland - Member of the State Infrastructure Bank Board, - from March 1, 2010, to February 28, 2015.

Gurin, Steven of Barre - Member of the Vermont Educational and Health Buildings Financing Agency, - from February 1, 2010, to January 31, 2016.

Heald, Francis of Rutland - Member – Travel Information Council, - from March 1, 2010, to February 29, 2012.

Hogan, Ann L. of Shelburne - Member of the State Infrastructure Bank Board, - from March 1, 2010, to February 28, 2015.

Johnson, Thomas of Dummerston - Member of the Vermont State Housing Authority, - from March 12, 2009, to February 28, 2014.

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Kennett, Elizabeth G. of Rochester - Member – Travel Information Council, - from March 1, 2010, to February 29, 2012.

Kenney, Frederick S., II of Jericho – Executive Director of the Economic Incentive Review Board, - from April 1, 2009, to March 31, 2011.

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

Keyser, Christopher S. of Rutland – Member of the Economic Incentive Review Board, - from April 1, 2009, to March 31, 2013.

Kimel, David R.. of St. Albans – Director of the Vermont Municipal Bond Bank, - from February 1, 2010, to January 31, 2012.

Lintermann, Mary of Stowe – Member of the Economic Incentive Review Board, - from April 1, 2009, to March 31, 2013.

Marshall, Karen of Williston – Member of the Economic Incentive Review Board, - from April 1, 2009, to March 31, 2011.

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

Morse, Stephan of Newfane – Member of the Economic Incentive Review Board, - from April 1, 2009, to March 31, 2011.

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

Port, Nancy of Burlington – Member of the Economic Incentive Review Board, - from April 1, 2009, to March 31, 2011.

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

Rosenquist, Carl of Georgia – Member of the Economic Incentive Review Board, - from April 1, 2009, to March 31, 2011.

Rowell, Laurie A. of Saxtons River – Member and Chair, Valuation Appeals Board – February 9, 2010, to January 31, 2013.

Smith, Rachel of St. Albans – Member of the Economic Incentive Review Board, - from April 1, 2009, to March 31, 2013.

Sutton, Joseph of East Middlebury - Member – Travel Information Council, - from March 1, 2010, to February 29, 2012.

Valente, John W. of Rutland - Director of the Vermont Municipal Bond Bank, - from February 1, 2010, to January 31, 2012.

Young, Mark of Orwell – Member of the Economic Incentive Review Board, - from April 1, 2009, to March 31, 2013.

Young, Peter F., Jr. Esq. of Northfield - Chair of the Natural Resources Board, - from February 1, 2009, to January 31, 2011.

### **Message from the House No. 53**

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 passed House bills of the following titles:

**H. 532.** An act relating to the domestic violence fatality review commission.

**H. 589.** An act relating to nuclear energy generation and the institution of trusts for greenfield restoration and spent fuel management.

**H. 788.** An act relating to approval of amendments to the charter of the town of Berlin.

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

The House has considered a bill originating in the Senate of the following title:

**S. 264.** An act relating to stop and hauling charges.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 61.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

### **Adjournment**

On motion of Senator Shumlin, the Senate adjourned until one o'clock in the afternoon on Thursday, April 15, 2010.