

# Journal of the Senate

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TUESDAY, FEBRUARY 8, 2011

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Melvin Bridge of Ryegate.

## Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

## Joint Senate Resolutions Adopted on the Part of the Senate

Joint Senate resolutions of the following titles were severally offered, read and adopted on the part of the Senate, and are as follows:

By Senator Campbell,

**J.R.S. 17.** Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2011.

*Whereas*, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

*Whereas*, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

*Whereas*, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

*Whereas*, if an election for multiple vacancies is 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 three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 17, 2011, 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 three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

By Senators Carris and Mullin,

**J.R.S. 18.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, February 11, 2011, it be to meet again no later than Tuesday, February 15, 2011.

#### **Bills Introduced**

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

#### **S. 53.**

By Senators Mullin, Lyons, Baruth, Doyle and Kittell,

An act relating to the number of prekindergarten children included within a school district's average daily membership.

To the Committee on Education.

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

By Senators Westman and Ashe,

An act relating to extending the sales tax to Internet sales.

To the Committee on Finance.

#### **S. 55.**

By Senator Cummings,

An act relating to the prohibition of fee schedules for uncovered dental services in a dental insurance plan.

To the Committee on Finance.

**S. 56.**

By Senators Pollina, Mullin, Ashe, Baruth, Doyle, Fox, Galbraith, Lyons, McCormack, Miller, Westman and White,

An act relating to the filing and review of rate filings made by health insurers.

To the Committee on Finance.

**S. 57.**

By Senator Ayer,

An act relating to a single-payer and unified health system.

To the Committee on Health and Welfare.

**Bill Passed in Concurrence****H. 8.**

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

An act relating to approval of amendments to and codification of the charter of the town of Jamaica.

**Joint Legislative Government Accountability**

Pursuant to the provisions of Sec. 5 of No. 206 of the Acts of 2008, the President, on behalf of the Committee on Committees, announced the appointment of the following two additional Senators to serve on the Joint Legislative Government Accountability for the current biennium:

Senator Cummings  
Senator Baruth

**Senate Concurrent Resolution**

The following joint concurrent resolution, 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 on the part of the Senate:

**S.C.R. 4.**

Senate concurrent resolution honoring former Secretary of Transportation David Dill for his insightful leadership at the Agency of Transportation.

[The full text of the Senate concurrent resolution appeared in the House and Senate calendar addendum for February 4, 2011, and will appear in the volume

of the Public Acts and Resolves to be published for this session of the seventieth-first biennial session of the Vermont General Assembly.]

### **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, are hereby adopted in concurrence:

By Representative Wilson and others,

By Senators Hartwell and Sears,

#### **H.C.R. 39.**

House concurrent resolution congratulating the Manchester Journal on 150 years of journalism excellence.

By Representatives Lewis and Helm,

By Senator Mullin,

#### **H.C.R. 40.**

House concurrent resolution recognizing May 12, 2011 as “Diabetic Peripheral Neuropathy Day” in Vermont.

By Representative Morrissey and others,

By Senators Hartwell and Sears,

#### **H.C.R. 41.**

House concurrent resolution honoring retiring Bennington District Probate Court Judge Sally I. Cook for her outstanding career accomplishments.

By Representative O'Brien and others,

#### **H.C.R. 42.**

House concurrent resolution congratulating the 2010 Mount Mansfield Union High School Cougars Division I championship boys' cross-country team.

By Representative Wizowaty and others,

#### **H.C.R. 43.**

House concurrent resolution recognizing the outstanding public sector and community service career of Gretchen Morse of Burlington.

By Representative Haas,

**H.C.R. 44.**

House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar New Year 4709.

By Representative Olsen and others,

By Senators Galbraith and White,

**H.C.R. 45.**

House concurrent resolution congratulating the 2010 Leland & Gray Union High School Rebels Division III championship boys' soccer team.

[The full text of the House concurrent resolutions appeared in the House and Senate calendar addendum for February 4, 2011, and will appear in the volume of the Public Acts and Resolves to be published for this session of the seventieth-first biennial session of the Vermont General Assembly.]

**Message from the House No. 16**

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 a House bill of the following title:

**H. 6.** An act relating to powers and immunities of the liquor control investigators.

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

The House has adopted joint resolution of the following title:

**J.R.H. 10.** Joint resolution requesting the United States Environmental Protection Agency to reimburse the Vermont Agency of Natural Resources for all costs incurred in assisting in the development of a new Lake Champlain Total Maximum Daily Load plan.

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

The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 39.** House concurrent resolution congratulating the Manchester Journal on 150 years of journalism excellence.

**H.C.R. 40.** House concurrent resolution recognizing May 12, 2011 as "Diabetic Peripheral Neuropathy Day" in Vermont.

**H.C.R. 41.** House concurrent resolution honoring retiring Bennington District Probate Court Judge Sally I. Cook for her outstanding career accomplishments.

**H.C.R. 42.** House concurrent resolution congratulating the 2010 Mount Mansfield Union High School Cougars Division I championship boys' cross-country team.

**H.C.R. 43.** House concurrent resolution recognizing the outstanding public sector and community service career of Gretchen Morse of Burlington.

**H.C.R. 44.** House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar New Year 4709.

**H.C.R. 45.** House concurrent resolution congratulating the 2010 Leland & Gray Union High School Rebels Division III championship boys' soccer team.

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

The House has considered concurrent resolutions originating in the Senate of the following titles:

**S.C.R. 3.** Senate concurrent resolution designating May as Lupus Awareness Month in Vermont.

**S.C.R. 4.** Senate concurrent resolution honoring former Secretary of Transportation David Dill for his insightful leadership at the Agency of Transportation.

And has adopted the same in concurrence.

### **Adjournment**

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the forenoon on Friday, February 11, 2011.