

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

TUESDAY, JANUARY 3, 2012

Pursuant to the provisions of the 2011 final adjournment joint resolution of the two Houses (J.R.S. 32), the Senate convened at the State House at Montpelier, on Tuesday, the third day of January, two thousand twelve.

At ten o'clock in the forenoon, Eastern Standard Time, the Senate was called to order by the President, Lieutenant Governor Philip B. Scott.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mark Pitton of Montpelier.

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. 33. 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 5, 2012, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor.

By Senator Campbell,

J.R.S. 34. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 12, 2012, at two o'clock in the afternoon to receive the budget message of the Governor.

By Senator Campbell,

J.R.S. 35. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 2, 2012, or Saturday, March 3, 2012, it be to meet again no later than Tuesday, March 13, 2012.

By Senators Carris and Mullin,

J.R.S. 36. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 6, 2012, it be to meet again no later than Tuesday, January 10, 2012.

Joint Resolution Referred**J.R.S. 37.**

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

By Senators Pollina and Baruth,

J.R.S. 37. Joint resolution Joint resolution expressing deep concern over the growing inequality in wealth and income in Vermont.

Whereas, societal cohesiveness and unity is dependent on a set of common economic aspirations and a belief that all Vermonters have an equal opportunity to support themselves and their families in a dignified and sustainable manner, and

Whereas, Vermont's constitution, including the first prohibition of slavery and "common benefits" clause, highlights our commitment to basic human rights and equal opportunity, and

Whereas, some inequality is inevitable, but the disparity of wealth and income must not be so great as to provoke animus or despair, and inequality of historic proportions is also the result of conscious public policy choices that can be identified and reversed, and

Whereas, both the *New York Times* and Reuters news agency report that in America income inequality is now greater than it has been since the 1920s just before the Great Depression, and

Whereas, the Congressional Budget Office reported in October 2011 that the wealthiest one percent of the population more than doubled its share of America's income over the last three decades, and federal government policy encouraged economic disparity partly by shifting away from progressive income taxes, and

Whereas, Nobel Prize-winning economist Joseph Stiglitz has written in *Vanity Fair* magazine that the wealthiest one percent of Americans now receives one-quarter of the nation's income and controls 40 percent of its wealth, while those in the middle saw their incomes fall, and economist and former U.S. Labor Secretary Robert Reich reports at Salon.com that those in the bottom 90 percent of earners, if employed, today earn on average about \$280.00 more each year than 30 years ago, adjusted for inflation; a less than one-percent gain, and

Whereas, economist Emmanuel Saez, a 2010 MacArthur Foundation genius award winner, and economics professor at the University of California, Berkeley, co-authored a 2011 article in the *Journal of Economic Literature* entitled "Top Incomes in the Long Run of History," in which the writers documented that during the years 2002–2007, 65 percent of the total income growth in the United States was captured by the top one percent of income earners, and

Whereas, in September 2011, the United States Census Bureau reported that the median household income in the United States declined to 1996 levels, and Harvard University economics professor, Lawrence Katz, stated, "We think of America as a place where every generation is doing better, but we're looking at a period when the median family is in worse shape than it was in the late 1990s," and

Whereas, the Pew Charitable Trusts has published a report entitled "Economic Mobility of Men and Women," written by Julia Isaacs of the Brookings Institution that found the median income for men ages 30–39 actually fell by 12 percent between 1974 and 2004, from \$40,000.00 a year to about \$35,000.00 a year, inflation adjusted, and

Whereas, the Organization of Economic Co-operation and Development finds in a time line comparison from the mid-1980s to the late 2000s that the United States has the second highest Gini coefficient of income inequality increase, at almost 0.40 and second only to Mexico, and

Whereas, the Pew Charitable Trusts, in a report entitled “Chasing the Same Dream, Climbing Different Ladders: Economic Mobility in the United States and Canada,” states that sons of Canadian fathers in the bottom one-third of the earnings distribution are more likely to make it to the top one-half of the distribution in adulthood than are sons of comparably low-earning American fathers, and

Whereas, the research shows that income and wealth inequality has grown faster in Vermont than in the nation as a whole, and

Whereas, a University of New Hampshire study by Ross Gittell and Jason Rudokas reported that between 1989 and 2004, Vermont was one of the top five states ranked for increased income disparity, and

Whereas, according to the United States Census Bureau (Census), Vermont’s median household income dropped seven percent between 2008 and 2010, and

Whereas, on September 30, 2009, WCAX News reported that according to the Census, over the years 2007–2008, “Vermont had the biggest drop in household income” of any state in the country, and

Whereas, the Public Assets Institute found that in 2009, the median household income in Vermont was just two percent higher than it had been 20 years earlier, so after adjusting for inflation, a Vermont household in 2009 survived on nearly the same income as it did in 1989, and

Whereas, the U.S. Census Bureau’s American Community Survey for 2006–2010 found that in greater Burlington, the middle class is shrinking nearly 10 times faster than nearly anywhere else in the country, and

Whereas, a 2010 analysis by the University of Massachusetts Political Economy Research Institute found increasing inequality makes low and middle income households poorer, and even if the overall economy is expanding, prosperity does not trickle down; instead, the income of low and middle income households falls as income disparity rises, and

Whereas, growing economic inequality hurts us all because it deprives people of basic needs – housing, food, heat, and health care—and steals their dignity and hopes for the future, and because when incomes drop and people are out of work, they cannot pay their bills or generate tax revenues, instead relying on social programs and putting pressure on the state budget, and

Whereas, this hurts local businesses because businesses need customers, and people cannot spend money they do not have, and because increasing inequality undermines the potential for a real economic recovery, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its awareness of and deep concern over the growing inequality in wealth and income in Vermont and its impact on Vermont families and our Vermont economy, *and be it further*

Resolved: That the General Assembly is committed to reducing income and wealth inequality by rejecting policies that increase disparity and to supporting policies that close the wealth and income gap and increase economic opportunities for all Vermonters.

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.

Senate Resolutions Adopted

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

By the Committee on Rules,

S.R. 10. Senate resolution relating to meeting dates of the Senate.

Resolved by the Senate:

That for the adjourned session of the 2011 biennium, beginning with the week of January 3 extending through the week ending February 27, 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 in the forenoon and Thursday at one o'clock and thirty minutes in the afternoon, unless otherwise ordered. In the discretion of the President *pro tempore* additional sessions of the Senate may be called on short notice.

By Senators White, Campbell, Carris, Doyle and Sears,

S.R. 11. Senate resolution relating to the establishment of a committee on reapportionment.

Resolved by the Senate:

That the Senate Rules be amended by adopting new temporary Rule 24.1 and by amending temporarily existing Rule 24, as follows:

First: By adding a new Rule 24.1, to read as follows:

24.1 A committee on reapportionment shall be appointed, consisting of seven members, at least four of whom shall be of the majority party, and at least two of whom shall be of the minority party.

Second: By amending Rule 24, sixth paragraph, by striking out the following: “civil defense; and reapportionment” and inserting in lieu thereof the following: and civil defense.

This amendment to the Senate Rules is temporary and shall expire upon final adjournment of the biennial session of 2012.

Senate Resolution Referred

S.R. 12.

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

Senate resolution urging appointed and elected officials to respect the right of state employees to seek adjudication of labor disputes through legally established procedures.

By Senators Pollina and Baruth,

S.R. 12. Senate resolution urging appointed and elected officials to respect the right of state employees to seek adjudication of labor disputes through legally established procedures.

Whereas, the Vermont Senate appreciates the critical role that organized labor has played in advancing higher living standards, better working conditions, and greater workplace democracy for all workers, and

Whereas, the decline of organized labor in the United States has significantly contributed to the vastly increased income and wealth inequality deplored by the popular Occupy Wall Street Movement, and

Whereas, it is important that this legislative body affirm that the right to collective bargaining is a fundamental human right recognized in Article 23 of the Universal Declaration of Human Rights, and

Whereas, working people in Vermont have a right to seek redress of contractual grievances free of any public condemnation by public officials,
now therefore be it

Resolved by the Senate:

That the Senate of the State of Vermont supports recent and ongoing efforts by members of the Vermont State Employees Association to obtain a ruling from duly constituted authority and a clarification of the terms of its contract with the State of Vermont, *and be it further*

Resolved: That the Senate of the State of Vermont urges elected and appointed public officials to desist from castigation of the efforts of working

Vermonters to seek an adjudication of contractual grievances through proper and recognized means.

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

Message from the Governor
Appointments Referred

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

Billings, Harold of North Clarendon - Member of the Vermont Human Services Board, - from May 13, 2011, to February 28, 2015.

To the Committee on Health and Welfare.

Cookson, Cara of Burlington - Member of the Human Services Board, - from April 29, 2011, to February 28, 2017.

To the Committee on Health and Welfare.

Cueto, Jeff of East Montpelier - Member of the Water Resources Panel, - from May 13, 2011, to January 31, 2015.

To the Committee on Natural Resources and Energy.

Gingo, Charles of Bennington - Chair of the Human Services Board, - from April 29, 2011, to February 28, 2017.

To the Committee on Health and Welfare.

Illick, Martha of Charlotte - Alternate Member of the Vermont Natural Resources Board, - from May 13, 2011, to January 31, 2015.

To the Committee on Natural Resources and Energy.

Kenney, Frederick S., II of Jericho - Director of the Vermont Economic Progress Council, - from April 2, 2011, to March 31, 2013.

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

Sargent, Don of Colchester - Member of the Vermont Natural Resources Board, Land Use Panel, - from May 13, 2011, to January 31, 2015.

To the Committee on Natural Resources and Energy.

Spates, Grant of Derby Line - Member of the Vermont Fish and Wildlife Board, - from March 1, 2011, to February 28, 2017.

To the Committee on Natural Resources and Energy.

Wadhams, Emily of Burlington - Member of the Vermont Housing and Conservation Board, - from May 13, 2011, to January 31, 2014.

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

Westervelt, Jan of Cabot - Member of the Human Services Board, - from March 1, 2011, to February 28, 2017.

To the Committee on Health and Welfare.

Wilmuth, Ragon, MD of Burlington - Member of the Board of Health, - from March 1, 2011, to February 28, 2017.

To the Committee on Health and Welfare.

Amidon, Ed of Charlotte - Member of the Valuation Appeals Board, - from October 11, 2011, to January 31, 2012.

To the Committee on Finance.

Arms, Alison of South Burlington – as a Superior Court Judge, - from August 18, 2011, to March 31, 2017.

To the Committee on Judiciary.

Barnet, Lamont of Rockingham - Member of the Vermont Housing and Finance Agency, - from September 8, 2011, to January 31, 2014.

To the Committee on Finance.

Bartlett, Patrick of Woodstock - Member of the Current Use Advisory Board, - from July 14, 2011, to January 31, 2014.

To the Committee on Natural Resources and Energy.

Bishop, Robert of St. Johnsbury - Member of the State Infrastructure Bank Board, - from December 13, 2011, to February 29, 2012.

To the Committee on Finance.

Boes, Richard of Montpelier – Chief Information Officer and Commissioner of the Department of Information and Innovation, - from June 20, 2011, to February 28, 2013.

To the Committee on Government Operations.

Bristol, Gordon of Williamsville - Member of the Vermont Economic Progress Council, - from July 14, 2011, to March 31, 2015.

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

Diamond, Carol of Montpelier - Member of the Vermont Board of Medical Practice, - from January 1, 2012, to December 31, 2016.

To the Committee on Health and Welfare.

Flynn, Brian S. of Shelburne - Member of the Vermont Tobacco Evaluation and Review Board, - from July 1, 2011, to June 30, 2014.

To the Committee on Health and Welfare.

Gobeille, Alfred J. of Shelburne - Member of the Green Mountain Care Board, - from October 1, 2011, to September 30, 2015.

To the Committee on Health and Welfare.

Goodrich, Steven of North Bennington - Member of the Plumbers Examining Board, - from September 13, 2011, to February 28, 2015.

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

Granquist, Deborah of Weston - Member of the Board of Libraries, - from May 26, 2011, to February 28, 2014.

To the Committee on Education.

Heil, Sarah of Burlington - Member of the Vermont Tobacco Evaluations and Review Board, - from July 1, 2011, to June 30, 2013.

To the Committee on Health and Welfare.

Hein, Karen of Jacksonville - Member of the Green Mountain Care Board, - from October 1, 2011, to September 30, 2014.

To the Committee on Health and Welfare.

Hogan, Cornelius, Jr. of Plainfield - Member of the Green Mountain Care Board, - from October 1, 2011, to September 30, 2017.

To the Committee on Health and Welfare.

Lamberton, Wayne of East Calais - Member of the Electricians Licensing Board, - from September 13, 2011, to June 30, 2014.

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

Larson, Mark of Burlington – Commissioner of the Department of Vermont Health Access, - from August 17, 2011, to February 28, 2013.

To the Committee on Health and Welfare.

Maley, Martin of Colchester – as a Superior Court Judge, - from August 18, 2011, to March 31, 2014.

To the Committee on Judiciary.

Morse, Stephan of Newfane - Chair of the Vermont Economic Progress Council, - from July 14, 2011, to March 31, 2015.

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

Fallar, Gail of Tinmouth - Member of the Current Use Advisory Board, - from July 14, 2011, to January 31, 2013.

To the Committee on Natural Resources and Energy.

Harris, Laura of Williston - Member of the Board of Education, - from July 1, 2011, to June 30, 2013.

To the Committee on Education.

Luce, David of Waterbury Center - Member of the Community High School of Vermont Board, - from December 13, 2011, to February 28, 2014.

To the Committee on Education.

McClain, John of Randolph - Member of the Current Use Advisory Board, - from July 14, 2011, to January 31, 2014.

To the Committee on Natural Resources and Energy.

McLain, Sarah of Lincoln - Member of the Vermont Board of Medical Practice, - from August 8, 2011, to December 31, 2013.

To the Committee on Health and Welfare.

Montagne, Mitch of St. Albans - Member of the Current Use Advisory Board, - from August 10, 2011, to January 31, 2014.

To the Committee on Natural Resources and Energy.

Port, Nancy of Burlington - Member of the Vermont Economic Progress Council, - from July 14, 2011, to March 31, 2015.

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

Quatrini, Bryon of St. Johnsbury - Member of the Vermont Economic Progress Council, - from July 14, 2011, to March 31, 2015.

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

Ramsay, Alian M. of Essex Junction - Member of the Green Mountain Care Board, - from October 1, 2011, to September 30, 2016.

To the Committee on Health and Welfare.

Robinson, Beth of Ferrisburgh – as an Associate Justice, Vermont Supreme Court - from November 28, 2011, to March 31, 2017.

To the Committee on Judiciary.

Ryan, Linda of St. Albans - Member of the Vermont State Housing Authority, - from December 13, 2011, to February 28, 2014.

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

Smith, Gabrielle Ratte of Essex Junction - Member of the Vermont Tobacco Evaluations and Review Board, - from July 1, 2011, to June 30, 2014.

To the Committee on Health and Welfare.

Snow, John of Charlotte - Member of the Vermont Economic Development Authority, - from September 8, 2011, to June 30, 2014.

To the Committee on Finance.

Volz, James of Plainfield – Chair of the Public Service Board, - from June 14, 2011, to February 28, 2017.

To the Committee on Finance.

Wallack, Anya of Little Compton – Chair of the Green Mountain Care Board, - from October 1, 2011, to September 30, 2018.

To the Committee on Health and Welfare.

Walsh, Thomas of Charlotte – as an Environmental Judge, - from December 12, 2011, to March 31, 2014.

To the Committee on Judiciary.

Watkins, Timothy of Colchester - Member of the Electricians Licensing Board, - from September 13, 2011, to June 30, 2012.

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

Willard, Alan of Woodstock - Member of the State Labor Relations Board, - from May 26, 2011, to June 30, 2012.

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

Bills Introduced

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

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

S. 112.

By Senator Sears,

An act relating to bail for persons charged with lewd and lascivious conduct with a child.

To the Committee on Judiciary.

S. 113.

By Senators Sears and Mullin,

An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools.

To the Committee on Education.

S. 114.

By Senator White,

An act relating to the size of accessory dwelling units.

To the Committee on Natural Resources and Energy.

S. 115.

By Senator Sears,

An act relating to malpractice claims against public defender contract attorneys.

To the Committee on Judiciary.

S. 116.

By Senator Sears,

An act relating to probate proceedings.

To the Committee on Judiciary.

S. 117.

By Senator Sears,

An act relating to calculation of consecutive sentences.

To the Committee on Judiciary.

S. 118.

By Senator Sears,

An act relating to serving a zero minimum sentence.

To the Committee on Judiciary.

S. 119.

By Senator Illuzzi,

An act relating to the use of inquest proceedings in investigations of suspected juvenile delinquency.

To the Committee on Judiciary.

S. 120.

By Senator White,

An act relating to freedom of expression for students.

To the Committee on Education.

S. 121.

By Senator Baruth,

An act relating to the higher education endowment trust fund.

To the Committee on Education.

S. 122.

By Senator Sears,

An act relating to human trafficking and prostitution.

To the Committee on Judiciary.

S. 123.

By Senator Illuzzi,

An act relating to inspection of jury questionnaires by the attorney of record.

To the Committee on Judiciary.

S. 124.

By Senators Illuzzi, Sears and Doyle,

An act relating to failure to report the death or disappearance of a child.

To the Committee on Judiciary.

S. 125.

By Senator White,

An act relating to caterer's permits.

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

S. 126.

By Senator Mullin,

An act relating to repealing the ability of the attorney general and the department of state's attorneys to deposit civil penalties and other amounts recovered for consumer fraud violations into special funds available to offset the cost of providing legal services.

To the Committee on Government Operations.

S. 127.

By Senator Illuzzi,

An act relating to allowing a taxpayer to claim a renter rebate for a portion of a taxable year.

To the Committee on Finance.

S. 128.

By Senators Illuzzi and Miller,

An act relating to recognition of the Missisquoi, St. Francis-Sokoki Band as a Native American Indian tribe.

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

S. 129.

By Senators Illuzzi and Miller,

An act relating to recognition of the Koasek Abenaki of the Koas as a Native American Indian tribe.

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

S. 130.

By Senator Sears,

An act relating to creating a sustainable prisons pilot program.

To the Committee on Institutions.

S. 131.

By Senator Illuzzi,

An act relating to the study of whether licensure should be required for the practice of roofing.

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

S. 132.

By Senator Illuzzi,

An act relating to amending the membership of the Vermont criminal justice training council.

To the Committee on Government Operations.

S. 133.

By Senator Illuzzi,

An act relating to the Vermont Commission on Native American Affairs.

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

S. 134.

By Senators Benning and Baruth,

An act relating to penalties for possession of marijuana.

To the Committee on Judiciary.

S. 135.

By Senator Illuzzi,

An act relating to all-terrain vehicle registration and operation along Vermont Route 105.

To the Committee on Transportation.

S. 136.

By Senator Illuzzi,

An act relating to vocational rehabilitation.

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

S. 137.

By Senator Illuzzi,

An act relating to workers' compensation and unemployment compensation.

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

S. 138.

By Senators Illuzzi, Sears and Doyle,

An act relating to the record keeping of search warrants.

To the Committee on Judiciary.

S. 139.

By Senators Sears and Illuzzi,

An act relating to transfer of certain delinquency proceedings from juvenile court to the criminal division of the superior court.

To the Committee on Judiciary.

S. 140.

By Senator Galbraith,

An act relating to forest fragmentation.

To the Committee on Natural Resources and Energy.

S. 141.

By Senator Galbraith,

An act relating to prohibiting commercial construction on certain state and conserved lands and to public service board approval of wind towers and turbines.

To the Committee on Natural Resources and Energy.

S. 142.

By Senators Illuzzi, Ayer, McCormack, Pollina and White,

An act relating to pet merchants.

To the Committee on Government Operations.

S. 143.

By Senator Illuzzi,

An act relating to disclosing building energy performance and promoting thermal energy efficiency.

To the Committee on Natural Resources and Energy.

S. 144.

By Senator Galbraith,

An act relating to underground injection wells for natural gas and oil production.

To the Committee on Natural Resources and Energy.

S. 145.

By Senator Illuzzi,

An act relating to home inspector licensing and regulation.

To the Committee on Government Operations.

S. 146.

By Senator Galbraith,

An act relating to the definition of independent contractor.

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

S. 147.

By Senators McCormack and White,

An act relating to granting staff of the departments of corrections and for children and families ex officio status for the purpose of obtaining and providing notary public services.

To the Committee on Finance.

S. 148.

By Senators Illuzzi and Doyle,

An act relating to a pilot project on expediting development of small hydroelectric plants.

To the Committee on Natural Resources and Energy.

S. 149.

By Senator Galbraith,

An act relating to restricting the persons that may make campaign finance contributions to candidates.

To the Committee on Government Operations.

S. 150.

By Senator White,

An act relating to amending lobbyist reporting forms and deadlines.

To the Committee on Government Operations.

S. 151.

By Senator Illuzzi,

An act relating to veterans' grave markers.

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

S. 152.

By Senators Illuzzi and White,

An act relating to the definition of line of duty in the workers' compensation statutes.

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

S. 153.

By Senators Illuzzi and McCormack,

An act relating to the sale of dogs and cats.

To the Committee on Agriculture.

S. 154.

By Senator White,
An act relating to mixed martial arts.
To the Committee on Government Operations.

S. 155.

By Senator Sears,
An act relating to nonpayment of rent.
To the Committee on Judiciary.

S. 156.

By Senator Starr,
An act relating to energy, environmental costs, and appeals to the public service board.
To the Committee on Natural Resources and Energy.

S. 157.

By Senator Illuzzi,
An act relating to the state's failure to fulfill a promise to treat a conservation easement as donated.
To the Committee on Natural Resources and Energy.

S. 158.

By Senators Campbell and Lyons,
An act relating to a charge for storage of spent nuclear fuel.
To the Committee on Natural Resources and Energy.

S. 159.

By Senator Flory,
An act relating to potable water supply and wastewater system isolation distances.
To the Committee on Natural Resources and Energy.

S. 160.

By Senator Doyle,

An act relating to liability of an innocent landowner for the release of a hazardous material.

To the Committee on Natural Resources and Energy.

S. 161.

By Senator Illuzzi,

An act relating to workers' compensation insurance.

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

S. 162.

By Senator Flory,

An act relating to powers of attorney.

To the Committee on Judiciary.

S. 163.

By Senator Brock,

An act relating to the financing plan for Green Mountain Care and the health benefit exchange.

To the Committee on Health and Welfare.

S. 164.

By Senator Starr,

An act relating to providing a property tax exemption for a nonprofit health, recreation, and fitness organization.

To the Committee on Finance.

S. 165.

By Senator Hartwell,

An act relating to river management and fluvial erosion hazard planning.

To the Committee on Natural Resources and Energy.

S. 166.

By Senator Brock,

An act relating to environmental and land use permits.

To the Committee on Natural Resources and Energy.

S. 167.

By Senator Illuzzi,

An act relating to possessing stolen property.

To the Committee on Judiciary.

S. 168.

By Senator Illuzzi,

An act relating to sales of vinous beverages.

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

S. 169.

By Senator Illuzzi,

An act relating to workers' compensation liens.

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

S. 170.

By Senator Lyons,

An act relating to a renewable portfolio standard, the Sustainably Priced Energy Enterprise Development Program, and climate change.

To the Committee on Natural Resources and Energy.

S. 171.

By Senators Illuzzi, Ayer, Campbell, Giard and Pollina,

An act relating to administration of the animal spaying and neutering program.

To the Committee on Government Operations.

S. 172.

By Senators Illuzzi and Miller,

An act relating to creating a private activity bond advisory committee.

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

S. 173.

By Senators Miller and Illuzzi,

An act relating to simplifying the formation of business start-ups.

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

S. 174.

By Senators Miller and Illuzzi,

An act relating to establishing the better tomorrow bond program.

To the Committee on Natural Resources and Energy.

S. 175.

By Senator Illuzzi,

An act relating to failing to mediate in good faith.

To the Committee on Judiciary.

S. 176.

By Senators Illuzzi and White,

An act relating to the beverage container deposit-redemption system.

To the Committee on Natural Resources and Energy.

S. 177.

By Senator Brock,

An act relating to fraudulent government claims.

To the Committee on Judiciary.

S. 178.

By Senator Illuzzi,

An act relating to a relief from abuse order for a minor.

To the Committee on Judiciary.

S. 179.

By Senator Hartwell,

An act relating to amending perpetual conservation easements.

To the Committee on Natural Resources and Energy.

S. 180.

By Senator Illuzzi,

An act relating to the universal service fund and establishment of a high-cost program.

To the Committee on Finance.

S. 181.

By Senator Sears,

An act relating to school resource officers.

To the Committee on Education.

S. 182.

By Senator Lyons,

An act relating to lead in food and other edible products.

To the Committee on Natural Resources and Energy.

S. 183.

By Senator Lyons,

An act relating to the testing of potable water supplies.

To the Committee on Natural Resources and Energy.

S. 184.

By Senator Lyons,

An act relating to underground injection wells for natural gas and oil production.

To the Committee on Natural Resources and Energy.

S. 185.

By Senator Lyons,

An act relating to establishing a water resources preservation program.

To the Committee on Natural Resources and Energy.

S. 186.

By Senator Mullin,

An act relating to the sale of vinous beverages.

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

S. 187.

By Senator Mullin,

An act relating to Vermont wine.

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

S. 188.

By Senator Mullin,

An act relating to fortified wine.

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

S. 189.

By Senator Sears,

An act relating to expanding confidentiality of cases accepted by the court diversion project.

To the Committee on Judiciary.

S. 190.

By Senators Miller and Mullin,

An act relating to improving patient involvement in the Blueprint for Health.

To the Committee on Health and Welfare.

S. 191.

By Senators Miller and Mullin,

An act relating to rational treatment of chronic pain.

To the Committee on Health and Welfare.

S. 192.

By Senator Westman,

An act relating to grade levels within public high school choice regions.

To the Committee on Education.

S. 193.

By Senator Mullin,

An act relating to nonschool recreational use of public school property.

To the Committee on Education.

S. 194.

By Senator Mullin,

An act relating to consolidation of supervisory unions.

To the Committee on Education.

S. 195.

By Senators Pollina and Lyons,

An act relating to the scope of beverage container redemption and remission of unclaimed beverage container deposits.

To the Committee on Natural Resources and Energy.

S. 196.

By Senators Snelling, Illuzzi and Miller,

An act relating to improving Vermont's economic competitiveness by reducing the state tax burden.

To the Committee on Finance.

S. 197.

By Senator Mullin,

An act relating to hospital-based outpatient fees.

To the Committee on Health and Welfare.

S. 198.

By Senator Mullin,

An act relating to a lupus advisory panel within the department of health.

To the Committee on Health and Welfare.

S. 199.

By Senator Mullin,

An act relating to immunization exemptions and the immunization pilot program.

To the Committee on Health and Welfare.

S. 200.

By Senators Pollina, Doyle and Illuzzi,

An act relating to the reporting requirements of health insurers.

To the Committee on Health and Welfare.

S. 201.

By Senator Mullin,

An act relating to expanding public school choice for elementary and high school students.

To the Committee on Education.

S. 202.

By Senator Lyons,

An act relating to regulation of flood hazard areas.

To the Committee on Natural Resources and Energy.

S. 203.

By Senator Sears,

An act relating to child support enforcement.

To the Committee on Judiciary.

S. 204.

By Senators Pollina and Lyons,

An act relating to creating an expert panel on the creation of a state bank.

To the Committee on Finance.

S. 205.

By Senator Hartwell,

An act relating to requiring a stand-alone bill to set the statewide education property tax base rates each year.

To the Committee on Finance.

S. 206.

By Senator Miller,

An act relating to the issuance of registered warrants.

To the Committee on Finance.

S. 207.

By Senators Miller and Mullin,

An act relating to preconditions for Green Mountain Care implementation.

To the Committee on Health and Welfare.

S. 208.

By Senators Illuzzi and Miller,

An act relating to the Vermont health benefit exchange.

To the Committee on Health and Welfare.

S. 209.

By Senators Miller and Snelling,

An act relating to naturopathic physicians.

To the Committee on Health and Welfare.

S. 210.

By Senators Miller and Snelling,

An act relating to licensed midwives and certified nurse midwives.

To the Committee on Health and Welfare.

S. 211.

By Senator Lyons,

An act relating to securing propane tanks in natural disasters.

To the Committee on Natural Resources and Energy.

S. 212.

By Senator Hartwell,

An act relating to the authority of fire district voters to overrule a decision of a prudential committee.

To the Committee on Government Operations.

S. 213.

By Senator Illuzzi,

An act relating to the Vermont training program.

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

S. 214.

By Senator Hartwell,

An act relating to customer rights regarding smart meters.

To the Committee on Finance.

S. 215.

By Senator Pollina,

An act relating to evaluating net costs of government purchasing.

To the Committee on Government Operations.

S. 216.

By Senator Cummings,

An act relating to separate entities within home health agencies.

To the Committee on Health and Welfare.

S. 217.

By Senator Miller,

An act relating to closely held benefit corporations.

To the Committee on Finance.

S. 218.

By Senator Kittell,

An act relating to high-quality, early childhood education programs.

To the Committee on Education.

S. 219.

By Senator Mullin,

An act relating to a statewide public school teachers' contract.

To the Committee on Education.

S. 220.

By Senator Ashe,

An act relating to exempting solar generation on flat roofs from municipal bylaws.

To the Committee on Natural Resources and Energy.

S. 221.

By Senators Fox and Mullin,

An act relating to cost-sharing for prescription drugs.

To the Committee on Health and Welfare.

S. 222.

By Senators Fox and Mullin,

An act relating to cost-sharing for employer-sponsored insurance assistance plans.

To the Committee on Health and Welfare.

S. 223.

By Senators Pollina, Baruth, Lyons, McCormack and Westman,

An act relating to extending health insurance coverage for autism spectrum disorders.

To the Committee on Health and Welfare.

S. 224.

By Senator Snelling,

An act relating to resolving lien disputes prior to foreclosure.

To the Committee on Judiciary.

S. 225.

By Senator Nitka,

An act relating to providing notice of court orders to named parties.

To the Committee on Judiciary.

S. 226.

By Senators Doyle and Sears,

An act relating to prohibiting synthetic stimulants.

To the Committee on Judiciary.

S. 227.

By Senator Giard,

An act relating to Vermont wine.

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

S. 228.

By Senator Illuzzi,

An act relating to the study of limited licenses for limited practices of funeral service.

To the Committee on Government Operations.

S. 229.

By Senator Illuzzi,

An act relating to utility bill payments.

To the Committee on Finance.

S. 230.

By Senator Cummings,

An act relating to property and casualty insurers and electronic notices.

To the Committee on Finance.

S. 231.

By Senator Nitka,

An act relating to the deferral of property taxes for taxpayers age 65 and over.

To the Committee on Finance.

S. 232.

By Senator Kittell,

An act relating to administration and inspection of agricultural operations.

To the Committee on Agriculture.

S. 233.

By Senators Nitka and Starr,

An act relating to gradually increasing the mandatory age of school attendance.

To the Committee on Education.

S. 234.

By Senators McCormack, Fox, Illuzzi, Nitka and Pollina,

An act relating to creating a special program to provide grants to Vermonters affected by Tropical Storm Irene.

To the Committee on Government Operations.

S. 235.

By Senators Fox, Ashe and Lyons,

An act relating to a homeless prevention and rapid rehousing pilot program.

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

S. 236.

By Senator Kittell,

An act relating to health care practitioner signature authority.

To the Committee on Health and Welfare.

S. 237.

By Senators Pollina, McCormack and White,
An act relating to the genuine progress indicator.
To the Committee on Government Operations.

S. 238.

By Senator White,
An act relating to establishing the Vermont farm guest worker program.
To the Committee on Agriculture.

S. 239.

By Senator Giard,
An act relating to ensuring the humane treatment and slaughter of animals.
To the Committee on Agriculture.

S. 240.

By Senators Illuzzi and McCormack,
An act relating to recovering noneconomic damages for intentionally or recklessly causing the death of a domestic pet.
To the Committee on Judiciary.

S. 241.

By Senator Baruth,
An act relating to protecting reader privacy.
To the Committee on Economic Development, Housing and General Affairs.

S. 242.

By Senators Sears and Doyle,
An act relating to prescribing a controlled substance.
To the Committee on Health and Welfare.

S. 243.

By Senator Illuzzi,

An act relating to CHINS proceedings involving children who are members of a state-recognized Indian tribe.

To the Committee on Judiciary.

S. 244.

By Senator Sears,

An act relating to referral to court diversion for driving with a suspended license.

To the Committee on Judiciary.

S. 245.

By Senators Mullin, Ayer, Benning, Kittell, Lyons, McCormack, Miller and Westman,

An act relating to requiring cardiovascular care instruction as a secondary school graduation requirement.

To the Committee on Education.

S. 246.

By Senators Kittell, Campbell and Illuzzi,

An act relating to preserving Vermont's working landscape.

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

S. 247.

By Senator Lyons,

An act relating to establishing the Vermont green trust.

To the Committee on Natural Resources and Energy.

Proposed Amendments to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 4 was introduced, read the first time and referred:

Senators Galbraith and Benning,

PROPOSAL 4

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to specifically provide that each person has a right to privacy, including the right to keep personal information private; to communicate with others privately; and to make decisions concerning his or her body.

Sec. 2. Article 22 of Chapter I of the Vermont Constitution is added to read:

Article 22. [RIGHT TO PRIVACY]

That each person has a right to privacy, including the right to keep personal information private; to communicate with others privately; and to make decisions concerning his or her body.

Sec. 3. EFFECTIVE DATE

Once ratified and adopted by the people of this state in accordance with the provisions of 17 V.S.A. chapter 32, the provisions of this amendment shall become a part of the Vermont Constitution as of the first Tuesday next after the first Monday of November 2014.

To the Committee on Judiciary.

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 5 was introduced, read the first time and referred:

Senators Doyle and White,

PROPOSAL 5

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide for election of the Governor, Lieutenant-Governor, and Treasurer by plurality vote, provided the candidate receive at least 40 percent of the votes cast. If no candidate receives at least 40 percent of the votes, then a runoff election between the two candidates receiving the greatest number of votes cast shall be held on the first Tuesday in December to determine the winner.

Sec. 2. Section 47 of Chapter II of the Vermont Constitution is amended to read:

§ 47. [ELECTION OF GOVERNOR, LIEUTENANT-GOVERNOR AND TREASURER]

The voters of each town shall, on the day of election for choosing Representatives to attend the General Assembly, bring in their votes for

Governor, with the name fairly written, to the Constable, who shall seal them up, and write on them, Votes for Governor, and deliver them to the Representatives chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a committee appointed out of the Senate and House of Representatives, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for Governor, and declare the person who has the ~~major part~~ greatest number of the votes; to be Governor for the two years ensuing, provided the person receive at least 40 percent of votes cast. The Lieutenant-Governor and the Treasurer shall be chosen in the manner above directed.

The votes for Governor, Lieutenant-Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and House of Representatives.

If, at any time, there shall be no election, of Governor, Lieutenant-Governor, or Treasurer, of the State, ~~the Senate and House of Representatives shall by a joint ballot, elect to fill the office, not filled as aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned~~ a runoff election shall be held between the two candidates receiving the greatest number of votes on the first Tuesday of December following the election. The runoff election shall be held as prescribed by the General Assembly.

Sec. 3. EFFECTIVE DATE

Once ratified and adopted by the people of this state in accordance with the provisions of 17 V.S.A. chapter 32, the provisions of this amendment shall become a part of the Constitution of the State of Vermont as of the first Tuesday next after the first Monday of November 2014.

To the Committee on Government Operations.

Governor's Veto Sustained

Senate Bill entitled:

S. 77. An act relating to water testing of private wells.

Was taken up.

Thereupon, the pending question, Shall the bill pass, notwithstanding the refusal of the Governor to approve it?, was decided in the negative on a roll call required by the Vermont Constitution, Yeas 1, Nays 28. (the necessary *override* two-thirds vote *not* having been attained).

Roll Call

Those Senators who voted in the affirmative were: Baruth.

Those Senators who voted in the negative were: Ashe, Ayer, Benning, Brock, Campbell, Carris, Cummings, Doyle, Flory, Fox, Galbraith, Giard, Hartwell, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Miller, Mullin, Nitka, Pollina, Sears, Snelling, Starr, Westman, White.

The Senator absent and not voting was: Illuzzi.

Bill Called Up; Rules Suspended; Bill Recommitted**H. 46.**

Senator Campbell called up House bill entitled:

An act relating to youth athletes with concussions participating in athletic activities.

Thereupon, pending entry of the bill on the Calendar for action the next legislative day, on motion of Senator Campbell, the rules were suspended and the bill was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Education, on motion of Senator Campbell, the bill was recommitted to the Committee on Education.

Appointment of Senate Members to Reapportionment Committee

Pursuant to the provisions of Senate Resolution 11 and temporary Rule 24.1, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Committee on Reapportionment for this biennium:

Senator White, Chair
Senator Sears, Vice-chair
Senator Doyle
Senator McCormack
Senator Illuzzi
Senator Ashe
Senator Flory

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and forty-five minutes in the afternoon on Thursday, January 5, 2012.