

# Journal of the Senate

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**TUESDAY, FEBRUARY 7, 2012**

The Senate was called to order by the President.

## **Devotional Exercises**

Devotional exercises were conducted by the Reverend Mark McEathron of East Montpelier.

## **Pledge of Allegiance**

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

## **Message from the House No. 17**

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 a bill originating in the Senate of the following title:

**S. 249.** An act relating to Vermont Strong commemorative motor vehicle plates.

And has passed the same in concurrence.

## **Message from the House No. 18**

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. 629.** An act relating to reapportioning the initial districts of the house of representatives.

**H. 630.** An act relating to reforming Vermont's mental health system.

In the passage 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. 41.** Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

And has adopted the same in concurrence.

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

**H.C.R. 252.** House concurrent resolution recognizing the essential health care role of licensed pharmacists in Vermont.

**H.C.R. 253.** House concurrent resolution congratulating the Community College of Vermont on the opening of its new Rutland City campus.

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

The Governor has informed the House that on the January 30, 2012, he approved and signed a bill originating in the House of the following title:

**H. 493.** An act relating to approval of amendments to the charter of the city of South Burlington.

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#### **Rules Suspended; Bill Committed**

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

**S. 106.** An act relating to miscellaneous changes to municipal government law.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Government Operations, Senator Cummings moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Finance with the report of the Committee on Government Operations *intact*,

Which was agreed to.

#### **Bills Referred**

House bills of the following titles were severally read the first time and referred:

**H. 464.**

An act relating to a moratorium on hydraulic fracturing wells for natural gas and oil production.

To the Committee on Natural Resources and Energy.

**H. 629.**

An act relating to reapportioning the initial districts of the house of representatives.

To the Committee on Senate Committee on Reapportionment.

**H. 630.**

An act relating to reforming Vermont's mental health system.

To the Committee on Health and Welfare.

**Joint Senate 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 Senators Carris and Mullin,

**J.R.S. 44.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Thursday, February 9, 2012, or, Friday, February 10, 2012, it be to meet again no later than Tuesday, February 14, 2012.

**Bill Amended; Bill Passed****S. 181.**

Senate bill entitled:

An act relating to school resource officers.

Was taken up.

Thereupon, pending third reading of the bill, Senator Doyle on behalf of the Committee on Education, moved to amend the bill striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 1167 is added to read:

§ 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF UNDERSTANDING

(a) Neither the state board nor the department shall regulate the use of restraint and seclusion on school property by a school resource officer certified pursuant to 20 V.S.A. § 2358.

(b) A school board or its designee may enter into a memorandum of understanding with a law enforcement agency or individual to restrict the use or possession of any weapon or device by a school resource officer on school property.

Sec. 2. STATE BOARD OF EDUCATION; RULES

Any part of a provision of state board of education rule that purports to regulate the use of restraint and seclusion on school property by a school resource officer certified pursuant to 20 V.S.A. § 2358 is repealed.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to.

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

**Consideration Postponed**

Senate bill entitled:

**S. 203.**

An act relating to child support enforcement.

Was taken up.

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

**Joint Resolution Adopted in Concurrence**

**J.R.H. 22.**

Joint House resolution entitled:

Joint resolution urging each university and college in Vermont to establish offices to assist students who are United States military veterans.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

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**Appointment Confirmed**

The following Gubernatorial appointment was confirmed separately by the Senate, upon full report given by the Committee to which it was referred:

Robinson, Beth of Ferrisburgh - Associate Justice of the Supreme Court – November 28, 2011, to March 31, 2017.

Was confirmed by the Senate on a roll call, Yeas 26, Nays 0.

Senator Sears 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, Baruth, Benning, Campbell, Carris, Cummings, Doyle, Flory, Fox, Galbraith, Giard, Hartwell, Kitchel, Kittell, MacDonald, Mazza, McCormack, Miller, Mullin, Nitka, Pollina, Sears, Snelling, Westman, White.

**Those Senators who voted in the negative were:** None.

**Those Senators absent and not voting were:** Brock, Illuzzi, Lyons, Starr.

**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, were adopted in concurrence:

By Representative Klein,

**H.C.R. 252.**

House concurrent resolution recognizing the essential health care role of licensed pharmacists in Vermont.

By Representative Russell and others,

By Senators Carris, Flory, Mullin and Nitka,

**H.C.R. 253.**

House concurrent resolution congratulating the Community College of Vermont on the opening of its new Rutland City campus.

[The full text of the House concurrent resolutions appeared in the House calendar addendum for February 2, 2012, and will appear in the volume of the Public Acts and Resolves to be published for this session of the seventy-first biennial session of the Vermont General Assembly.]

**Message from the House No. 19**

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. 51.** An act relating to gold star and next-of-kin registration plates.

**H. 327.** An act relating to the uniform principal and income act .

**H. 403.** An act relating to foreclosure of mortgages.

**H. 413.** An act relating to creating a civil action against those who abuse, neglect, or exploit a vulnerable adult.

In the passage 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. 42.** Joint resolution relating to 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 2012.

And has adopted the same in concurrence.

The Governor has informed the House that on February 6, 2012, he approved and signed bills originating in the House of the following titles:

**H. 505.** An act relating to allowing the treasurer to defer the December 1, 2011 education payments to help towns affected by federal disasters in 2011 in Vermont.

**H. 515.** An act relating to holding public agencies harmless for disclosure of property tax adjustment information.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon.