

Journal of the Senate

Of the STATE OF VERMONT BIENNIAL SESSION, 2013

WEDNESDAY, JANUARY 9, 2013

Pursuant to the provisions of the Constitution and the laws of the State of Vermont, the Senate convened at the State House at Montpelier, on the first Wednesday, after the first Monday, the ninth day of January in the year of two thousand thirteen.

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.

Roll Call

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Claire D. Ayer Senator Christopher A. Bray
Bennington District	Senator Robert M. Hartwell Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Sally G. Fox Senator Virginia V. Lyons Senator Diane B. Snelling Senator David E. Zuckerman

Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Donald E. Collins Senator Norman H. McAllister, Sr.
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator William H. Carris Senator Margaret K. Flory Senator Kevin J. Mullin
Washington District	Senator Ann E. Cummings Senator William T. Doyle Senator Anthony Pollina
Windham District	Senator Peter W. Galbraith Senator Jeanette K. White
Windsor District	Senator John F. Campbell Senator Richard J. McCormack Senator Alice W. Nitka

Oath Administered

The Senators-elect were duly sworn by the Secretary and severally subscribed the oath of office.

Election of Officers

The President announced that the next order of business was the election of officers, and that nominations for Secretary were in order:

Senator Mullin of Rutland District nominated

JOHN H. BLOOMER, JR.

of the Town of Wallingford.

Senator Mazza of Grand Isle District seconded the nomination.

There being no further nominations, on motion of Senator White, the nominations were closed and the Assistant Secretary was instructed to cast one ballot for

JOHN H. BLOOMER JR.

of the Town of Wallingford, as Secretary of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

Election of President *Pro Tempore*

The President then announced that the next order of business was the election of a President *pro tempore*.

Senator Snelling of Chittenden District nominated

JOHN F. CAMPBELL

of Windsor District.

Senator Baruth of Chittenden District seconded the nomination.

There being no further nominations, on motion of Senator Flory, the nominations were closed and the Secretary was instructed to cast one ballot for

JOHN F. CAMPBELL

of Windsor District as President *pro tempore* of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

Election of Third Member of Committee on Committees

The Senate then proceeded to the election of a Senator to serve with the President and President *pro tempore* as a member of the Committee on Committees, which appoints the standing committees of the Senate.

Senator Kitchel of Caledonia District nominated

RICHARD T. MAZZA

of Grand Isle District.

Senator Flory of Rutland District seconded the nomination.

There being no further nominations, on motion of Senator Baruth, the nominations were closed and the Secretary was instructed to cast one ballot for

RICHARD T. MAZZA

of Grand Isle District to serve with the President and President *pro tempore* as a member of the Committee on Committees.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

Appointments

The President announced the appointment by the Secretary of

STEVEN D. MARSHALL

of Swanton, as Assistant Secretary of the Senate, and he presented himself at the bar of the Senate and received the oath of office from the Secretary.

The President announced the appointment by the Secretary of

VANESSA J. DAVISON

of Hardwick, as Journal Clerk, and

HELEN L. ESTROFF

of Montpelier, as Calendar Clerk, and

ROXANNA T. QUERO

of Montpelier, as Office Assistant.

Senate Resolutions Adopted

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

By Senator Mazza,

S.R. 1. Senate resolution relating to the rules of the Senate.

Resolved by the Senate:

That the Senate be governed by the Permanent Rules of the Senate for the 2013 biennial session, as adopted in 1989, with amendments adopted in 1997, 2003, 2004, 2007, and 2008, until others are adopted.

By Senator Doyle,

S.R. 2. Senate resolution relating to appointment of a committee to inform the Governor of the organization of the Senate.

Resolved by the Senate:

That a committee of four Senators be appointed by the President to wait upon His Excellency, the Governor, and to inform him that the Senate has organized and is ready on its part to proceed with the business of the session.

By Senator Baruth,

S.R. 3. Senate resolution relating to informing the House of the organization of the Senate.

Resolved by the Senate:

That the Secretary be directed to inform the House of Representatives that a quorum of the Senate has assembled and organized by the election of **John H. Bloomer, Jr.**, of Wallingford, as Secretary, and **John F. Campbell**, a Senator from Windsor District, as President *pro tempore*, and is ready on its part to proceed with the business of the session.

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. 1. Joint resolution relating to joint rules.

Resolved by the Senate and House of Representatives:

That the joint rules of the Senate and the House as adopted in 2011 be adopted as the joint rules of this biennial session until others are adopted.

By Senator White,

J.R.S. 2. Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 10, 2013, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the freemen and freewomen of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the freemen and freewomen.

By Senator Campbell,

J.R.S. 3. Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 10, 2013, at one o'clock and thirty minutes in the afternoon to receive the inaugural message of the Governor.

By Senators Baruth and Flory,

J.R.S. 4. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 1, 2013, or Saturday, March 2, 2013, it be to meet again no later than Tuesday, March 12, 2013.

By Senator Campbell,

J.R.S. 5. 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 24, 2013, at two o'clock in the afternoon to receive the budget message of the Governor.

Committee Appointed

Pursuant to the provisions of S.R. 2, the President appointed a Committee to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session:

Senator Baruth
Senator Ayer
Senator Flory
Senator Benning

Report of Committee

Senator Baruth, of Chittenden District, for the Committee appointed to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session, appeared at the bar of the Senate and reported that it had performed the duties assigned to it.

Canvassing Committee Elected

The President nominated as a committee on the part of the Senate to canvass votes for state officers,

Senator Bray, of Addison District
Senator Hartwell, of Bennington District
Senator Benning, of Caledonia District
Senator Fox, of Chittenden District
Senator Rodgers, of Essex-Orleans District
Senator McAllister, of Franklin District
Senator Mazza, of Grand Isle District
Senator Westman, of Lamoille District
Senator MacDonald, of Orange District
Senator Flory, of Rutland District
Senator Pollina, of Washington District
Senator White, of Windham District
Senator Nitka, of Windsor District

Thereupon, Senator Campbell moved that the nominees be elected by the Senate, which was agreed to.

Thereupon, the President declared the nominees elected, and the Committee so elected received the oath of office from the Secretary.

The President designated Senator White, of Windham District, as Chair of the Joint Canvassing Committee to canvass votes for state officers.

Message from the House No. 1

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:

A quorum of the House has assembled and organized by the election of

Shapleigh Smith Jr.

the Representative from Morristown, as Speaker, and

Donald G. Milne

of Washington, as Clerk, who in turn has appointed William M. MaGill of Montpelier as First Assistant Clerk and H. Gwynn Zakov of Barre as Second Assistant Clerk, and is ready on its part to proceed with the business of the session.

Adjournment

On motion of Senator Campbell, the Senate adjourned until nine o'clock and thirty minutes in the morning.