

# Journal of the Senate

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THURSDAY, JANUARY 10, 2013

The Senate was called to order by the President *pro tempore*.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Paul Habersang of Montpelier.

## Message from the House No. 2

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 joint resolutions originating in the Senate of the following titles:

**J.R.S. 1.** Joint resolution relating to joint rules.

**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.

**J.R.S. 3.** Joint resolution to provide for a 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.

And has adopted the same in concurrence.

The House has appointed as members of the Joint Canvassing Committee on the part of the House to canvass votes for state officers:

Addison District	Nuovo of Middlebury Lanpher of Vergennes Smith of New Haven
Bennington District	Campion of Bennington Komline of Dorset Wilson of Manchester
Caledonia District	Fay of St. Johnsbury Lawrence of Lyndon South of St. Johnsbury

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Chittenden District	Myers of Essex McCullough of Williston Pearson of Burlington
Essex-Orleans District	Batchelor of Derby Higley of Lowell Johnson of Canaan
Franklin District	Branagan of Georgia Dickinson of St. Albans Town O'Connor of Fairfield
Grand Isle District	Krebs of South Hero Condon of Colchester Spengler of Colchester
Lamoille District	Juskewicz of Cambridge Martin of Wolcott Woodward of Johnson
Orange District	Buxton of Royalton Davis of Washington Townsend of Randolph
Rutland District	Gallivan of Chittenden Shaw of Pittsford Russell of Rutland
Washington District	Stevens of Waterbury Hooper of Montpelier Donahue of Northfield
Windham District	Burke of Brattleboro Marek of Newfane Hebert of Vernon
Winsor District	Christie of Hartford Clarkson of Woodstock Martin of Springfield

**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 Baruth and Flory,

**J.R.S. 6.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, January 11, 2013, it be to meet again no later than Tuesday, January 15, 2013.

**Recess**

On motion of Senator Mazza the Senate recessed until the fall of the gavel.

**Called to Order**

At ten o'clock the Senate was called to order by the President *pro tempore*.

**Joint Assembly**

At ten o'clock in the morning, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

**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.

The Senate repaired to the hall of the House.

Having returned therefrom, at ten o'clock and thirty minutes in the morning, the President assumed the Chair.

**Message from the House No. 3**

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 joint resolutions originating in the Senate of the following titles:

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

**J.R.S. 5.** Joint resolution relating to provide for a Joint Assembly to hear the budget message of the Governor.

And has adopted the same in concurrence.

**Called to Order**

The Senate was called to order by the President *pro tempore*.

**Recess**

The Chair declared a recess to 11:25 A.M.

**Called to Order**

The Senate was called to order by the President *pro tempore*.

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**Incoming President Takes Oath of Office**

Senator Baruth moved that the President *pro tempore* appoint a Committee of two Senators to wait upon His Excellency, Philip B. Scott, Lieutenant Governor-elect, and escort him to the bar of the Senate.

Which was agreed to.

Thereupon, the President *pro tempore* appointed as members of such Committee:

Senator Baruth  
Senator Flory

The Committee appointed to wait upon His Excellency, Philip B. Scott, Lieutenant Governor-elect, performed the duties assigned to it and appeared at the bar of the Senate accompanied by His Excellency, Philip B. Scott, who took and subscribed the oath of office required by the Constitution from Senator Richard T. Mazza, long-time friend and colleague of the Lieutenant Governor.

**Remarks of Incoming Lieutenant Governor Philip B. Scott Journalized**

Thereupon, the incoming President addressed the Senate, assuring his full cooperation and accommodation on a nonpartisan and objective basis, and, on motion of Senator Campbell, his remarks were ordered entered in the Journal, and are as follows:

Remarks delivered by Lieutenant Governor Philip B. Scott to the Vermont State Senate, after taking the oath of office on January 10, 2013:

“Good morning. First, I’d like to thank Vermonters for the opportunity to serve the state for another two years. It truly is an honor for me to serve as Vermont’s Lt. Governor. To think a Barre-born stock car racer like myself would ever have an opportunity such as this is truly incredible.

“I also want to thank my family for their support.

“And I’d like to welcome our freshman class. We have 5 “new faces” in the chamber: Chris Bray, Don Collins, Norm McAllister, John Rodgers, and David Zuckerman. None of their faces are truly “new,” but we welcome them back in a new capacity. We do, after all, in true Vermont fashion, like to recycle. And to the rest of you: My sincere congratulations, and welcome back to each and every one of you.

“This session offers us an interesting mix of fresh perspective and experience. We have a returning Governor, Pro Tem, Senate Secretary and Lieutenant Governor – these are all things we didn’t have last time around.

(This time, we may actually know what we're doing! Or at least, give that appearance.)

“The expectations for elected officials, at all levels, are higher than they've ever been. Last week, on a national level, we went right to the edge during the Fiscal Cliff standoff, which showed us the danger of political brinksmanship – something that I hope we can all remember in this chamber when those seemingly polarizing issues arise. My belief has always been that if you put aside the ego and the rhetoric, and inject a bit of creativity, fairness and common sense, that almost any problem involving money can be solved.

“While campaigning, a recurring message I heard, and I'm sure many of you heard, was the anxiety over affordability. The margins are getting smaller. And with the recent 2% rise in the Social Security tax, disposable income has shrunk for all of us in the workforce.

“Another problem we face is the exodus of our young professionals. According to state census data, our 25-to-44 age group lost 30% of its population in the last decade. That's 28,000 Vermonters who left our state and took with them their buying power, their innovation, and their children. Many of our elementary school classrooms echo with their absence.

“We also struggle in this building with a state budget “pie” that seems to get smaller and smaller each year, much like the pies in Mazza's Store, which, oddly enough, still cost just as much.

“The question is, what do we do about it?

“I've been in business for almost 30 years, and as in any business, there are two sides to the balance sheet: expenses and revenues. We have the same thing here in state government, so we have choices: We can reduce expenses by cutting staff and programs, or we can increase revenues by raising taxes and fees. And, for better or for worse, we've already done both. What I continue to hear all over the state is that Vermonters are feeling frustrated, tapped out, and taxed out. The Governor has said the same, and I suspect many of you have gotten that same feedback.

“But there is another way to hit both sides of that balance sheet at the same time. And that's by growing our economy. If we can work with businesses, both small and large, to replenish those private-sector jobs, progress and prosperity will come. If we can entice young professionals to move here, our classrooms will fill up again, and so will our vacant storefronts, and so will our state coffers.

“But we need more tools to entice people here than just our incredible quality of life. We're all familiar with the Tourism and Marketing survey completed last year that asked Americans what they associate with the word

“Vermont.” Along with “beautiful unspoiled mountains,” we need people to think “opportunity.”

“Our ability to make this happen can be surprisingly easy, if we put aside the temptation to score political points at the expense of Vermonters, who are counting on us to solve our very real problems.

“I’ve talked to a number of you over the last several weeks about coming together around this “theme” of Growing Vermont’s Economy. I only ask you to please keep this goal in mind as you consider the bills that come through each of your committees. Ask yourselves questions like: What will this bill do to help our economy? Will this bill make it easier for families to live and prosper in Vermont? Does this help or hurt our balance sheet?

“Of course, there will always be issues that don’t fit into a neat little box, and whose impact can’t be measured in dollars: whether it’s the most compassionate way to handle end-of-life care, or the best way to integrate migrant workers into our society. These might not be the questions we want to think about, but they are the ones before us. We will each have our own, sometimes very personal and deeply-held beliefs about these issues. And we will not always agree. But we have a choice. We can make those inevitable disagreements into divisions, or we can commit to respectful and reasonable debates, not only with each other, but with the citizens of Vermont. Never forget that we are just caretakers here in this beautiful building, which belongs to the citizens of Vermont.

“Voters on November 6<sup>th</sup> sent us here with an enormous responsibility resting on our shoulders. But with all of us pulling in the same direction, and treating each other with respect and civility, I think there is a lot of potential for what we can accomplish together in the next two years.

“My door is always open. I, along with my chief of staff, Nancy, look forward to working with all of you. Thank you.”

#### **Appointments**

The President announced the appointment of

**NANCY S. DRISCOLL**

of Marshfield, as Administrative Assistant to the incoming President.

#### **Recess**

On motion of Senator Campbell the Senate recessed until 1:25 P.M.

#### **Called to Order**

The Senate was called to order by the President.

**Joint Assembly**

At one o'clock and thirty minutes in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

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

The Senate repaired to the hall of the House.

Having returned therefrom, at three o'clock and fifteen minutes in the afternoon, the President assumed the Chair.

**Called to Order**

The Senate was called to order by the President.

**Recess**

The Chair declared a recess.

**Called to Order**

The Senate was called to order by the President.

**Standing Committees Appointed**

The President, on behalf of the Committee on Committees, reported the appointment of the standing committees, as follows:

**Agriculture**

A.M.	Senator Starr, Chair Zuckerman, Vice-Chair Bray Carris McAllister	Room 26
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**Appropriations**

P.M.	Senator Kitchel, Chair Nitka, Vice-Chair Fox Sears Snelling Starr Westman	Room 5
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**Economic Development, Housing and General Affairs**

A.M. Senator Mullin, Chair Room 27  
Baruth, Vice-Chair  
Collins  
Cummings  
Doyle

**Education**

P.M. Senator McCormack, Chair Room 28  
Collins, Vice-Chair  
Baruth  
Doyle  
Zuckerman

**Finance**

P.M. Senator Ashe, Chair Room 6  
MacDonald, Vice-Chair & Clerk  
Bray  
Galbraith  
Hartwell  
Lyons  
Mullin

**Government Operations**

P.M. Senator White, Chair Room 4  
Pollina, Vice-Chair  
Ayer  
Carris  
McAllister

**Health and Welfare**

A.M. Senator Ayer, Chair Room 17  
Fox, Vice-Chair  
Lyons  
McCormack  
Pollina

**Institutions**

P.M. Senator Flory, Chair Room 7  
Cummings, Vice-Chair  
Benning  
Mazza  
Rodgers



**Judiciary**

A.M.                      Senator Sears, Chair                      Room 1  
                                 Benning, Vice-Chair  
                                 Nitka  
                                 White  
                                 Ashe

**Natural Resources and Energy**

A.M.                      Senator Hartwell, Chair                      Room 8  
                                 Snelling, Vice-Chair  
                                 Galbraith  
                                 MacDonald  
                                 Rodgers

**Transportation**

A.M.                      Senator Mazza, Chair                      Room 3  
                                 Westman, Vice-Chair  
                                 Campbell  
                                 Flory  
                                 Kitchel

**Resignation of Senator**

The following communication was received by the Secretary from the Honorable William H. Carris, Senator from Rutland District, notifying the Senate of his resignation from the Senate, which letter is as follows:

January 10, 2013

The Honorable Governor Peter E. Shumlin  
109 State Street, Pavilion  
Montpelier, VT 05609

Dear Governor Shumlin:

It is with great sadness that I am offering my resignation from the Vermont State Senate, effective January 10, 2012.

Since the election I have struggled about my future in the Senate. As you know I have had a significant back problem for a number of years, a condition that was aggravated when I fractured my ankle in 2010. For the past two years, I have undergone surgery, intensive therapy, and rehabilitation that I strongly believed would have allowed me to return to my duties in the Senate for the 2013-2014 legislative session.

As time has passed my condition remains the same. After consulting with my physicians and family over the past several weeks I have concluded that

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my return to the Senate would come with physical limitations that would prevent me from fully discharging my duties representing my constituents, my county, and my state.

It is impossible to express how great a privilege and honor it has been to have represented the people of Rutland County. It has been a highlight of my life.

I want to thank you for your friendship, support, and leadership. It has been wonderful working with you and my Senate colleagues. I will miss that closeness.

Vermont truly yours,

/s/William H. Carris

Bill Carris

cc. Senator John F. Campbell, *pro tempore*  
Secretary of the Senate John H. Bloomer, Jr.

**Adjournment**

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