

JOURNAL OF THE SENATE
OF THE
STATE OF VERMONT

BIENNIAL SESSION, 2011

VOLUME 1



Published by Authority

STATE OF VERMONT

BUILDINGS AND GENERAL SERVICES, MIDDLESEX, VERMONT

JOHN H. BLOOMER, JR.
SECRETARY OF THE SENATE

VANESSA J. DAVISON
JOURNAL CLERK

Table of Contents

	Page
Journal of the Senate (volume 1).....	1
Journal of the Senate (volume 2).....	921
Journal of the Joint Assemblies (volume 2)	1713
Appendix A – List of Senators, Officers and Staff of the Senate, and Committees of of the Senate (volume 2)	1769
Appendix B – Table of Bills (volume 2).....	1777
General Index (volume 2).....	1859

Journal of the Senate

of the STATE OF VERMONT BIENNIAL SESSION, 2011

WEDNESDAY, JANUARY 5, 2011

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 fifth day of January in the year of two thousand eleven.

At ten o'clock in the forenoon, eastern standard time, the Senate was called to order by the President, Lieutenant Governor Brian E. Dubie.

Devotional Exercises

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

Pledge of Allegiance

Pages Amelia Sherman of Montpelier and Adara North of South Burlington then led the members of the Senate in the pledge of allegiance.

Roll Call

The roll of the Senate was thereupon called by the Assistant Secretary, Steven D. Marshall, and it appeared that the following Senators were present.

Addison District	Senator Claire D. Ayer Senator Harold W. Giard
Bennington District	Senator Richard W. Sears, Jr. Senator Robert M. Hartwell
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 Hinda Miller Senator Diane B. Snelling

Essex-Orleans District	Senator Vincent Illuzzi Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Sara Branon Kittell
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 Assistant 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 Carris of Rutland District nominated

JOHN H. BLOOMER, JR.

of the Town of Wallingford.

Senator Snelling of Chittenden 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 Sears of Bennington District nominated

JOHN F. CAMPBELL

of Windsor District.

Senator Snelling of Chittenden District seconded the nomination.

There being no further nominations, on motion of Senator Mazza, 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 committees of the Senate.

Senator Campbell of Windsor District nominated

RICHARD T. MAZZA

of Grand Isle District.

Senator Carris of Rutland District seconded the nomination.

There being no further nominations, on motion of Senator Mullin, 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

PRISCILLA L. ALEXANDER

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 2011 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 Sears,

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.

By Senators Campbell, Carris, Miller, Doyle and Mullin,

S.R. 4. Senate resolution relating to meeting dates of the Senate.

Resolved by the Senate:

That for the 2011 session, beginning with the week of January 5 and extending through the week ending February 26, Rule 7 of the Permanent Rules of the Senate, as adopted in 1989 and as amended in 1997, 2003, 2004, 2007 and 2008, is suspended and the following Temporary Rule 7 is adopted:

Temporary Senate Rule 7. The Senate shall meet every Tuesday at nine o'clock and thirty minutes in the forenoon and Friday at eight o'clock and thirty minutes in the forenoon, unless otherwise ordered. In the discretion of the President *pro tempore* additional sessions of the Senate may be called on short notice.

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 MacDonald,

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 2009 be adopted as the joint rules of this biennial session until others are adopted.

By Senators Mazza and Doyle,

J.R.S. 2. Joint resolution to provide for a Joint Assembly to hear the farewell message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Wednesday, January 5, 2011, at two o'clock in the afternoon to receive the message of the outgoing Governor.

By Senator White,

J.R.S. 3. 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 6, 2011, 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. 4. 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 6, 2011, at one o'clock and thirty minutes in the afternoon to receive the inaugural message of the Governor.

By Senators Miller and Mullin,

J.R.S. 5. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 25, 2011, or Saturday, February 26, 2011, it be to meet again no later than Tuesday, March 8, 2011.

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 Carris
Senator Miller
Senator Mullin
Senator Brock

Report of Committee

Senator Carris, of Rutland 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 Giard, of Addison District
Senator Hartwell, of Bennington District
Senator Benning, of Caledonia District
Senator Baruth, of Chittenden District
Senator Starr, of Essex-Orleans District
Senator Brock, 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. McGill 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.

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 hear the farewell message of the Governor.

J.R.S. 3. 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. 4. Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

And has adopted the same in concurrence.

Recess

The Chair declared a recess until one o'clock and fifty-five minutes in the afternoon.

Called to Order

At one o'clock and fifty-five minutes in the afternoon the Senate was called to order by the President.

Joint Assembly

At two o'clock in the afternoon, 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 hear the farewell message of the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at two o'clock and forty minutes, the President resumed the Chair.

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 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	Morrissey of Bennington Wilson of Manchester Browning of Arlington
Caledonia District	South of St. Johnsbury Reis of St. Johnsbury Toll of Danville
Chittenden District	Hubert of Milton Aswad of Burlington Pearson of Burlington
Essex-Orleans District	Lewis of Derby Higley of Lowell Johnson of Canaan
Franklin District	Gilbert of Fairfax Howrigan of Fairfield Savage of Swanton
Grand Isle District	Krebs of South Hero Condon of Colchester Spengler of Colchester
Lamoille District	Howard of Cambridge Nease of Johnson Scheuermann of Stowe
Orange District	Davis of Washington Townsend of Randolph Masland of Thetford
Rutland District	French of Shrewsbury Fagan of Rutland City Shaw of Pittsford

Washington District	Stevens of Waterbury Taylor of Barre City Donahue of Northfield
Windham District	Burke of Brattleboro Marek of Newfane Mrowicki of Putney
Windsor District	Bohi of Hartford Clarkson of Woodstock Mitchell of Barnard

Farewell Message of Lieutenant Governor

The Incumbent Lieutenant Governor addressed the Senate as follows:

“Good Afternoon.

“Thank you for the opportunity to serve you as your Lt. Governor for the last eight years.

“It has been a privilege to have the opportunity to serve our state in elected office.

“I would like to recognize a few special people who are here this afternoon.

“My wife, Penny and my daughters, Emily and Casey – my brother, Gen. Mike Dubie -- Gen. Jon Farnham, who has just returned from a year of service in Afghanistan, and Martha Hanson, my Chief of Staff and Only Staff.

“And a special salute to Lt. Governor-elect Phil Scott. Congratulations, Phil.

“Some of you have served for many years; others will start your service here in Montpelier today. As I conclude my service as your Lt Governor, I would like to recognize the service of some special Vermonters.

“We members of the American Legion have a saying: “many gave some, some gave all”. The mother of a fallen service member is given the title of “Gold Star Mother”

“A Gold Star Mother named Marion Gray is with us today. Marion and Steve lost their son, Army Sgt. Jamie Gray, in Iraq, on June 07, 2004. He was 29 years old.

“Marion has chosen to serve others.

“In May 2006, Vermont’s Gold Star families chartered a bus together to go to the National Day of Remembrance in Washington, D.C.

“Army Spc. Chris Merchant died in Ar Ramadi, Iraq, on March 1, 2006. His parents, Gary and Janet, wrote at the time, “This weekend we find ourselves on a bus with many people just like us. They know and feel the same things as we do. We see that it is okay to cry, to laugh, to joke, to live.”

“From that bus ride the Vermont Fallen Families was born, with Marion Gray as its binding force.

“Last November 11, Vermont dedicated a new Vermont Global War on Terror Memorial at the Veteran’s Cemetery in Randolph, dedicated to all the state’s military who have served in war since the Sept. 11, 2001 attacks.

“The Grays, the Merchants, Ray DeGiovine, and all the other Gold Star families made the memorial at the Vermont State Cemetery a reality. Ray’s 25-year-old son, Marine Corporal Christopher DeGiovine, was killed in Anbar province in 2007. We must never forget these brave Vermonters and their sacrifice. Marion, thank you for your service. Thank you to all of Vermont’s Fallen Families.

“Another Gold Star Mother that I would like to recognize is Vicky Strong.

“Nate and Vicky Strong lost their son, Marine Sgt. Jesse Strong, in Iraq on January 26, 2005. He was 24. Jesse was loved by his community, and by his fellow students at Liberty University. Vicky has chosen to serve her state in a new way. She will serve alongside you here in Montpelier, as a member of the House from Albany, Vermont. She has much to offer. Vicky, we wish you the best of luck as you open a new chapter of service here in Montpelier.

“On Monday, Sept. 19, 2005 Army Lt. Mark Dooley was killed in Ar Ramadi, Iraq. Mark was 27 years old.

“Mark’s mom, Marion said, "Mark had a unique sense of dedication, care and responsibility toward his family, friends, his military companions and his country. I remember the sensitivity in which he gave me a sealed envelope prior to his deployment to Iraq and his request that I promise not to open it unless he did not return. As promised, this document was only opened after his death and I am confident that sharing it will allow everyone to have the insight into the remarkable person who was my son."

“In that letter, Mark wrote, "Mom, I have no delusions that reading or even hearing this letter read can fill my absence. Please forgive me for not being able to be there; but also remember that my leaving was in the service of something that we loved, and that most people can't comprehend its scope. Cherish in your heart that it wasn't done for any abstract reason like a flag or a foreign government's success, but our sacred honor."

“Friend and fellow Wilmington police officer Greg Murano now organizes an annual 5K race in Wilmington. A portion of this year’s proceeds was donated to help complete the Vermont Global War on Terror Memorial. His service has life and meaning.

“Kyle Gilbert was a soldier from Brattleboro. Sadly, Kyle was killed in Iraq on August 6, 2003. He was 20 years old. His mother Regina wrote me a letter that I would like to share with you today.

“She wrote: “I want you to hear this, my dream, I really never thought I would have a dream but now I do, I will one day travel to the road my son was on, on 6 Aug 2006, and touch and feel the ground he where he took his last breath, feel his pain and pray for him on that night. When Iraq is free, I will prevail and make my dream come true, please be there with me”.

“After Kyle’s death, Regina’s husband Herbert chose to join the Guard and was deployed to Afghanistan for a year. I received a text message from Regina when Herbert landed in the United States after his year in Afghanistan. Please join me in thanking Herbert for his service and Regina for her dream.

“We all need a dream to focus our service. What is your dream?”

“I would also like to recognize another special mother. She lived in Bennington. Her name was Sally Goodrich.

“Sally and Don Goodrich lost their son, Peter, on Sept 11, 2001. Peter was a passenger on United Airlines Flight 175, the second plane to crash into the World Trade Center towers in New York City.

“Shortly after Peter’s death, Sally learned she had ovarian cancer.

“Reflecting on her situation then Sally said, “Everything was destroyed, my life, my faith, my ability to live. I had nothing left.”

“Then in August 2004, a friend of Peter’s who served as a Marine major in Afghanistan sent an e-mail asking the Goodrich family to collect supplies for the children of a village in dire need of assistance.

““That was the beginning,” Sally said then. “I call it the moment of grace. I knew Peter would have responded to that e-mail. I knew I had to, in his name. For the first time, I felt Peter’s spirit back in my life.”

“Peter’s father Donald said, “Peter was always searching for a better understanding of the human condition, suddenly it shone upon us, that here is a path that Peter would be on. Because he would be on that path, we were going to take it.”

“To honor his memory, Sally and Donald created the Peter M. Goodrich Foundation, and conducted fund-raising to build and support three schools and an orphanage in Afghanistan.

“Don says, “Sally saw a need or saw something that would be fun, and that big old Irish smile would come out and things would happen.”

“Sally says of her work in Afghanistan, “I wouldn’t say it was a journey of faith, but I would say it was a journey that restored my faith, and it also changed my faith. I think about my faith, and I think about God in more open ways than I did before. I don’t know how to explain it except to say that my faith is now about action to help people. Helping these children with education, which is the future of Afghanistan, gave us our lives back. I’m so lucky to have found that. I don’t know how to thank them.” Sally passed away on December 19, 2010.

“Thank you, Sally.

“We face challenges in our state. You have run for office to serve. The lives of these special Vermonters serve as inspiration to all of us. Each had a dream, like each of you. Each took a first step, like each of you. Each faced setbacks, as you will, and each served in a special way. Each of you can and will serve in a special way.

“These Vermonters made a difference. So will you.

“The Vermont State Senate lost its guiding beacon last August. David Gibson served as Secretary of the Senate from 2000 till the time of his death.

“When I was first elected lieutenant governor, the presiding officer over the Vermont Senate, I must admit I had never been in this Senate chamber.

“I met David, and David explained Mason Rules, rules of the Vermont Senate, the unwritten rules, and the traditions of the Vermont Senate.

“It has been my privilege for the last eight years to learn the traditions of the Vermont Senate. They were written on the heart of David Gibson.

“For the past half-century, Ernest – David’s father; Robert – David’s brother; and David wrote those rules and kept them alive.

“David really only had one rule. It ruled his entire life and was the basis for all the rules of the Senate: Do unto others as you have them do unto you.

“We serve in a legislature where strongly held beliefs carried by strong-minded people are bound to clash.

“David Gibson was a beacon of kindness, grace and integrity.

“He made us all better people than we would have been without his friendship. And we all loved him for this.

“David, we will miss you.

“May God bless you.

“I know that David would approve of your choice to succeed him, former state senator John Bloomer. John, I know you will wear the mantle well. Congratulations, and best wishes to you.

“I would also like to recognize and thank those others who serve year in year out to keep this chamber working well.

“Assistant Senate Secretary Steve Marshall.

“Journal Clerk Vanessa Davison.

“Calendar Clerk Priscilla Alexander.

“Office Assistant Roxy Quero

“Cornelius Reed, Theresa Randall, and our Doorkeepers and pages.

“Thank you all for your service to our state.

“Serving in elected office is a unique way to serve one’s fellow citizens.

“But there are many ways to serve. I look forward to assisting Vermont by continuing my work with our friends in Quebec. Next time you are in Quebec City, look in the phonebook; I have a lot of cousins up there.

“As I reflect on my service, many have asked me about my post-election thoughts.

“Here is my perspective. I have run for office and lost before.

“As a matter of fact, one man I lost to will soon be Vermont’s new Secretary of Human Services. In November 2000, I lost to a fine gentleman named Doug Racine.

“A few months later, in April 2001, I was on a long run on Miami Beach, training for an upcoming marathon, on a layover with my airline job. I must admit, I was thinking about the election when a frantic boy ran up to me, asking for my help.

“I followed this young person to the water’s edge -- looked out -- and saw three heads in the water a couple of hundreds yards out. Immediately, I headed out into the surf. As I swam out, I thought of the advice of my loving wife Penny -- who happens to have been a lifeguard. “Never go in the water without a floatation device”-- and I am thinking, “What do I do now honey? Oh well,” I think, as I keep swimming.

“Soon, I had reached the first person in the water. It was a school-aged girl, and the look in her eyes confirmed that she was in trouble. Just like my wife predicted, she grabbed me frantically with her arms and legs around my neck. Fortunately, I was able to get her to shore.

“Then I headed back into the water, to assist another rescuer who had followed me out to bring the next young girl in.

“The short version of this story is my girl made it, and the second girl did not. I was on that beach because I had lost an election.

“The way I see it is, there is another person, on another beach for each one of us. Our job is look for the person and do our best in that moment.

“Marion, Vicky, Regina and Sally by their service remind us that there are many ways to serve. Thank you all for your service. I wish you the best of luck. God Bless you all.”

Adjournment

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

THURSDAY, JANUARY 6, 2011

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

Devotional Exercises

Devotional exercises were conducted by the Rabbi Tobi Weisman of Montpelier.

Rules Suspended; Reading of Journal Dispensed With

The Secretary commenced the reading of the Journal, and, pending the reading, on motion of Senator Carris, the rules were suspended, and the reading of the Journal was dispensed with for the remainder of the biennial session.

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. 6. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 7, 2011, it be to meet again no later than Tuesday, January 11, 2011.

Recess

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

Called to Order

At ten o'clock and five minutes in the forenoon the Senate was called to order by the President *pro tempore*.

Joint Assembly

At ten o'clock, 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 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 forty-five minutes, the President resumed the Chair.

Recess

The Chair declared a recess until eleven o'clock and twenty-five minutes in the morning.

Called to Order

At eleven o'clock and twenty-five minutes the Senate was called to order by the President *pro tempore*.

Incoming President Takes Oath of Office

Senator Carris 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 Illuzzi
Senator Mazza

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 6, 2011:

“Senators, invited guests, fellow Vermonters: it’s an honor to be with you here today.

“I need to start with a few thank-yous. First, I’d like to thank my entire extended family and friends: my mom, my brother Kevin, my Aunt Mary, Diana, and my two daughters. Thank you for being here today, and thank you for all of your love and support that helped me get here today.

“Most importantly, I’d like to thank the people of Vermont, for placing your confidence in me and electing me your 79th Lieutenant Governor. I’d also like to thank the members of the Legislature, for affirming the voters’ choice through your vote this morning.

“I’m so honored to have been given this role, and also very appreciative of this small and very accessible state that we live in. Our elected officials are true “citizen legislators,” working as realtors, lawyers, farmers, truck drivers and nurses. They are our neighbors, our friends, our coworkers; they’re just regular people.

“That’s what first inspired me to run for the Washington County Senate a little over 10 years ago. I had no prior experience in politics. I was just a regular guy who had worked in construction companies and motorcycle shops, and was frustrated, and wanted to change things. I decided that rather than continuing to complain about what “they....them in Montpelier” were doing to me, I’d be better off putting my complaints into action.

“That same idea is what propelled me to run for Lieutenant Governor this past year: to take what I’ve learned over the last 25 years running a business, and over the last 10 years serving in the Senate, to improve our state. That’s what I’m here to do.

“And to all of the Vermonters who aren’t sitting in this room today, who might be frustrated that you’ve lost your job, or that you’ve had to lay people off in your business -- as I myself had to do this past year -- I want to give you

the same hope that I had 10 years ago, when I was on the outside looking in. If I can stand before you today as your Lieutenant Governor, then you too can make a difference by getting involved and turning frustration into solutions.

“I start here because, as many of you know, 46 percent of registered voters didn’t vote in November. That’s 209,000 Vermonters whose only choice on November 2 was not to show up. They decided it wasn’t worth it, or it didn’t matter, or it wouldn’t do any good, to make their voice heard. My experience shows that’s just not the case. However, I do understand that frustration. I felt it myself at times, and I heard it all last year while I was campaigning.

“But I don’t think any of us fully realized until November 2 what that frustration had turned into; it turned into 209,000 people who had apparently given up.

“So for all of us elected officials here in this room, we need to ask ourselves, what can we do to make Vermonters feel more welcome and more inspired -- despite their frustrations and their struggles -- to participate in their government? How can we make ourselves more accessible?

“I’m not just talking about November elections, because civic involvement isn’t something that’s only relevant on even-numbered years. I’m thinking about the dwindling attendance and voter turnout at our Town Meetings. I’m thinking about all the times we in the Legislature have wanted to hear from our constituents on important issues, and folks have been strangely silent. And I’m thinking about the small number of business owners, parents, farmers, students and health care providers who come here to the State House to testify about potential legislative changes that will have a real impact on the way they live and do business every day.

“How can we make it easier and less intimidating for people who haven’t been involved before to get involved?

“Again, for those of you listening who are not in this room today: If you are one of the 209,000 Vermonters who didn’t vote on November 2, you are just the person we need to hear from. Because we don’t have all the answers.

“All of us here in the Legislature need to reach out to those folks and welcome them in, even when we might not agree with their views. We need to open our doors. In order to live up to the intentions and the expectations of our accessible government, we ourselves need to be more accessible. That will mean different things for each of us.

“For me, that means literally opening my office door downstairs a morning or two a week and inviting you in for coffee and conversation. It means opening my virtual doors by posting updates and asking questions of Vermonters on Facebook. For many of you, that may mean attending local

events or knocking on doors. However we do it, we need to keep the lines of communication constantly open. We need to have our own boots on the ground and stay in touch with the people we represent.

“Sometimes, that means venturing outside our comfort zone. In fact, a couple of summers ago, I asked my good friend, Senator Dick Mazza, to put me to work at his store on Sunday mornings. I swept the parking lot. I ground meat. I stocked shelves and I made sandwiches. I wasn’t necessarily very good at all of those things -- other than maybe the sweeping. In fact, I think many of the staff (and the customers) wondered what was up with the “new guy.” But I got to see a little bit of Vermont from a different perspective. And that’s what’s important.

“Now, as your Lieutenant Governor, I’m hopeful that when I’m not inviting people into my office, I can invite myself into other people’s workplaces, as I did at Mazza’s Store that summer, and visit a lot of Vermont’s factories, farms, schools and job sites. The important thing is, when I visit your place, I don’t just want to tour your production line or be a guest at your ribbon cutting. I want to work a few hours in your shoes.

“Those of you who know me, know I’m a “hands-on” kind of guy, and for me, listening and learning means doing. So I hope all Vermonters will consider this an invitation to “put their Lieutenant Governor to work” - literally. I’m inviting you to open your doors. Because when I understand what it takes to make your business work, I’ll know what I can do to make it work better.

“There’s been a lot of emphasis in recent years on new-business startups, and on recruiting new investors to Vermont from outside our borders. These efforts are certainly important, and, like my predecessors, I’ll be looking for opportunities to help with that outreach. But I also think we need to work just as hard to strengthen the businesses that have been in Vermont for decades: employing workers, paying taxes, and contributing to their communities. I plan to be especially watchful for those opportunities to support the thousands of small businesses that account for 96 percent of Vermont’s employers.

“As we begin this legislative session, we in state government are obviously facing some major challenges: challenges whose solutions have eluded us in prior years. That means we need to challenge ourselves to think differently, particularly on behalf of all of the Vermont families, business owners, homeowners, retirees, and state employees who’ve had to tighten their belts and do more with less.

“We certainly need to do the same: in our case, roll up our sleeves right away, starting today, and commit ourselves to finishing the session quickly to save Vermonters money. But in addition to being efficient, we also need to be

creative, and continue to “think big,” even while we’re trying to minimize our footprint. We need to use our imaginations and always ask the question, can we do this differently? Instead of just, can we do this cheaper?

“Thinking different means working together, and listening as well as talking. As Calvin Coolidge once said, “no one ever listened themselves out of a job.” We all have something to offer, and we can’t be so quick to say no. Because a good idea can come from anywhere, whether it’s the dairy farmer from our area or a seatmate from the other party. One of my most important roles as your Lieutenant Governor will be to facilitate those conversations, both here in the Legislature and in the “real world” outside of Montpelier.

“Something I feel very strongly about is that government isn’t always the answer. When I challenge Vermonters to get involved, I’m not just talking about the work we do in Montpelier. Because I really believe we all want to help each other; sometimes we just need to know how.

“Many of you have heard me talk about the Wheels for Warmth program that I, along with my loyal band of cohorts, established six years ago. Here, Vermonters come together to recycle old tires they no longer need, and make the good ones available to their neighbors. For many Vermonters, that \$50 set of used tires might be the only way they can afford to keep their car safely on the road in the winter. All of the proceeds go to heating fuel assistance funds. So right there, we have solutions to three problems, without a single grant or piece of legislation.

“Another example is the ReStore in Barre, which I visited recently. Their facility addresses a similar need to resell and recycle household goods, furniture and building materials, while also providing a place for skills training and life training for young people who came to the conclusion they needed to learn and grow in a new and different way.

“In times when so many of us talk about creating jobs and jump-starting the economy, the ReStore is doing it. When we talk about wanting to help Vermonters on the edge of poverty, but struggle with how to pay for it, Wheels for Warmth is doing it. So one theme that I’ve stressed, over and over again, throughout this past year is self-reliance, and its partner, volunteerism. In my mind, those are two sides of the same coin.

“Being self-reliant doesn’t just mean looking after yourself, although that’s important. Certainly with the increased amount of heart disease and diabetes, taking care of yourself must be part of our health care discussion. But self-reliance also means looking after our neighbors, and giving them the support they may need to get to the next step in their lives.

“That has a lot of implications.

“That means buying local, and supporting the merchants on Main Street instead of the website in California.

“That means helping Vermont’s manufacturers to identify suppliers and trading partners who are here within our borders or close by in our region.

“That means making it easier and more affordable for more of us to eat local food, supporting our farmers, reducing transportation costs, and getting fresher and healthier things to eat.

“That means investing in energy policies that help us become more independent.

“All of these things are efforts that state government can help with, but not ultimately be responsible for. All of these things are a means to an end.

“Personally, I suspect that a great deal of the collective frustration that caused those 209,000 people to stay home on November 2 was the sense that our elected officials and candidates kept talking about the goals -- creating jobs, jump-starting the economy, and helping our most vulnerable -- but didn’t talk enough about how we would get there. Buying local and encouraging innovative local partnerships are part of my vision for how we do it.

“Helping me in those efforts will be my chief of staff, Nancy Driscoll, who I wanted to introduce to you today. I hope you’ll all stop in and say hello to Nancy. Again, our door is always open.

“I hope that this idea of open doors is something that can set the tone for what promises to be an extremely challenging year. In the face of overwhelming concern about how we can continue to pay for various government services, it’s only natural to react by closing those doors that we consider non-essential. While we may have to make some incredibly difficult decisions this year, our biggest challenge will be to keep an open mind. If we shut down, we won’t move forward. If we focus only on finding the cheapest solution, we’ll short-change Vermonters in the long run. My 10 years in the Senate taught me the wisdom of fiscal responsibility, but my 25 years running a business also taught me that you get what you pay for. The right answer is probably somewhere in the middle.

“Our challenge in Montpelier is to come up with solutions that will strengthen Vermont. Your challenge is to come up with solutions that will help your neighbor and strengthen your community. If we all work together, we will strengthen the legacy of the state that we love to call home.

“Thanks for listening, and let’s get to work.”

Appointments

The President announced the appointment of

NANCY S. DRISCOLL

of St. Johnsbury , as Administrative Assistant to the incoming President.

Recess

On motion of Senator Campbell the Senate recessed until one o'clock and twenty-five in the afternoon.

Called to Order

At one o'clock and thirty minutes in the afternoon the Senate was called to order by the President.

Recess

The Chair declared a recess until the fall of the gavel.

Joint Assembly

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

J.R.S. 4. 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 twenty-five minutes, the President resumed the Chair.

Adjournment

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

FRIDAY, JANUARY 7, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Ann Grady of Montpelier.

Recess

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

Called to Order

At eleven o'clock and thirty minutes the Senate was called to order by the President.

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. 5. Joint resolution relating to Town Meeting adjournment.

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

And has adopted the same in concurrence.

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

H.C.R. 1. House concurrent resolution in memory of Representative Albert Audette of South Burlington.

H.C.R. 2. House concurrent resolution in memory of Vermont National Guard Sergeant Steven J. DeLuzio of South Glastonbury, Connecticut.

H.C.R. 3. House concurrent resolution in memory of United States Marine Lance Corporal Anthony James Rosa of Swanton.

H.C.R. 4. House concurrent resolution in memory of Vermont National Guard Sergeant Tristan H. Southworth of Walden.

H.C.R. 5. House concurrent resolution in memory of Specialist Ryan Grady of West Burke.

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

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 Kittell, Chair Giard, Vice-Chair Starr Campbell Baruth	Room 26
------	--	---------

Appropriations

P.M.	Senator Kitchel, Chair Sears, Vice-Chair Snelling Miller Illuzzi Nitka Starr	Room 5
------	--	--------

Economic Development, Housing and General Affairs

A.M.	Senator Illuzzi, Chair Ashe, Vice-Chair Carris Doyle Galbraith	Room 27
------	--	---------

Education

P.M.	Senator Mullin, Chair Lyons, Vice-Chair Doyle Kittell Baruth	Room 28
------	--	---------

Finance

P.M.	Senator Cummings, Chair MacDonald, Vice-Chair McCormack Ashe Fox Brock Westman	Room 6
------	--	--------

Government Operations

P.M. Senator White, Chair Room 4
Ayer, Vice-Chair
Flory
Galbraith
Pollina

Health and Welfare

A.M. Senator Ayer, Chair Room 17
Mullin, Vice-Chair
Miller
Fox
Pollina

Institutions

P.M. Senator Hartwell, Chair Room 7
Mazza, Vice-Chair
Giard
Carris
Benning

Judiciary

A.M. Senator Sears, Chair Room 1
Nitka, Vice-Chair
Cummings
Snelling
White

Natural Resources and Energy

A.M. Senator Lyons, Chair Room 8
MacDonald, Vice-Chair
McCormack
Brock
Benning

Transportation

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

Bills Introduced

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

S. 1.

By Senator Sears,

An act relating to technical amendments to the judicial restructuring act of 2010.

To the Committee on Judiciary.

S. 2.

By Senator Sears,

An act relating to sexual exploitation of a minor and the sex offender registry.

To the Committee on Judiciary.

S. 3.

By Senator Sears,

An act relating to establishing that traffic tickets and video recordings of roadside DUI stops are public records.

To the Committee on Government Operations.

S. 4.

By Senator Sears,

An act relating to expanding the review power of the secretary of human services.

To the Committee on Government Operations.

S. 5.

By Senators Sears and Hartwell,

An act relating to prescription drug co-payments.

To the Committee on Finance.

S. 6.

By Senators Doyle and Campbell,

An act relating to caffeinated and stimulant-enhanced malt beverages.

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

S. 7.

By Senator Giard,

An act relating to the Uniform Limited Cooperative Association Act.

To the Committee on Finance.

S. 8.

By Senator Kittell,

An act relating to providing that commercial composting on farms is an accepted agricultural practice.

To the Committee on Agriculture.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 11, 2011, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 6.

TUESDAY, JANUARY 11, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kevin Rooney of Northfield.

Pledge of Allegiance

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

Joint Resolution Referred**J.R.S. 7.**

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

By Senators Galbraith, Pollina and Baruth,

J.R.S. 7. Joint resolution amending the Joint Rules relating to a Joint Assembly electing a person to any office.

Resolved by the Senate and House of Representatives:

That Rule 10. (a) of the Joint Rules of the Senate and House of Representatives is amended to read:

10. (a) Whenever a Joint Assembly is required to elect one or more persons to any office, the voting shall be by open ballot for Governor, Lieutenant Governor, and Treasurer, and by the call of roll for all other offices, except that if there is only one candidate for any office, and if there is no objection, the Chair may put the question to the Joint Assembly by voice vote.

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

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. 8. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 14, 2011, it be to meet again no later than Tuesday, January 18, 2011.

Senate Concurrent Resolution Adopted

Senate concurrent resolution of the following title was offered, read and adopted in concurrence:

By All Members of the Senate,

By All Members of the House,

S.C.R. 1. Senate concurrent resolution in memory of Secretary of the Senate David A. Gibson.

Whereas, respect for the parliamentary integrity of the Vermont Senate, concurrent with an intimate acquaintance with the intricacies of Mason's Manual of Parliamentary Procedure and the Permanent Rules of the Vermont Senate, are fundamental prerequisites for service as Secretary of that august legislative chamber, and

Whereas, for the past decade, Brattleboro native David Gibson served with great distinction as the Secretary of the Vermont Senate, immediately

succeeding his brother, Robert, who served from 1967–1999, and following in the footsteps of his father, Ernest Jr., who held this position from 1933–1940, and

Whereas, David Gibson was scholastically well suited to perform this parliamentary role, having graduated from Yale University and the University of Virginia Law School, and

Whereas, as a Vermont State Senator representing the Windham District for three terms starting in 1977, David Gibson developed a great love for the institution that transcended partisanship and the immediate issues of the day, and

Whereas, when presented the opportunity to continue his family’s notable tradition of state service as Vermont Senate Secretary, David Gibson accepted the challenge, bringing a special affection for his job to the State House each day, and

Whereas, his parliamentary equanimity and nonpartisanship won praise from all senators who quickly came to respect his fair judgment and expertise, and

Whereas, David Gibson’s prior duties as editor-in-chief of the University of Virginia Law Review enabled him to scrutinize each comma and semicolon that passed across his desk and render a wise judgment on their survival in Senate documents and publications, and

Whereas, a strong advocate for advancing the Vermont Legislature, and especially the Senate, into the 21st century, while adhering to historic institutional customs and traditions, David Gibson persuaded the General Assembly to approve the installation of a new computerized document management system that has greatly expedited the editing and publishing of legislative calendars and journals and simultaneously enabled the Senate Secretary to record roll call votes digitally, and

Whereas, he greatly facilitated the General Assembly’s adoption of new joint rules that streamlined the adoption of commemorative resolutions and authorized their bicameral sponsorship, and

Whereas, nationally, David Gibson was an active and enthusiastic participant in the American Society of Legislative Clerks and Secretaries and was a primary organizer of the society’s 2007 national convention which took place in Vermont, and

Whereas, aside from his legislative duties, David Gibson’s legal and public service career had included serving as Windham County State’s Attorney and First Assistant United States Attorney for Vermont, on the State Board of

Education and the Judicial Conduct Board, and as one of Vermont's Uniform Law Commissioners, a role he especially enjoyed, and

Whereas, David Gibson worked intently on the Vermont Senate's behalf until shortly before his untimely death on August 16, 2010, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its profound condolences to the family of David A. Gibson, including his dear and special friend, Nancy Beasley; his children, Mark, and his wife, Nickie; Michael, and his wife, Jean; Dorothy; and Katharine; his grandchildren, David, Halle, Zennon, Jennifer, Emily, Kelsey, and Kimberly; his brother, retired Vermont Supreme Court Justice Ernest Gibson III, and his wife, Charlotte; and his sister, Grace G. Newcomer, on the passing of the Vermont Senate's cherished Secretary, extraordinary parliamentarian, true friend, and champion, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the members of the family of David Gibson.

Recess

At ten o'clock in the morning, on motion of Senator Campbell, the Senate recessed for the purpose of honoring David A. Gibson. Thereupon, remarks were presented as follows:

Remarks by the Honorable Peter E. Shumlin, Governor

"Thank you Mister President, Mister President *Pro Tem*, our honorable members of the Senate, special guests and family. First I want to thank the President Pro Tem for suspending the rules. I'm still a Governor in training and Congressman Welch just pointed out that I just voted on the resolution. He turned to me in shock and said "You just voted," and I said, "Well they just threw me out a few days ago, give me a break. You've been gone longer than I have." But welcome Congressman Welch. I want to give a special welcome to David's family, and as we all know, David's family meant everything to him. So first to go to his beautiful sister Gaye, brother Ernie, sister-in-law Charlotte whom he adored and whom he lived with during sessions when he was here. A special welcome to you. To his four beautiful children – Kay, Dee, Michael, and Mark – for being here. His grandchildren. And I cannot neglect his love of his life, Nancy Beasley, who is here with her sister Rebecca and extended family. Nancy it is so wonderful to have you back in Vermont. We consider you a Vermonter only because of David, I want to make that clear, and it's an absolute delight to have you here.

"It seems like it was just a few days ago that we adjourned the Senate from the last biennium and David was not only our Secretary but our healthy friend.

My last conversation with David - and I think there's no such thing as a coincidence - was about his love for his job. I knew I was leaving after some years here. I didn't know if I'd be back, frankly. In fact I thought there was a one-in-six chance that I wouldn't, and it concerned me. It concerned me because when I first came to the Senate and became President of the Senate I had the extraordinary guidance of brother Bob Gibson, who I could not have done my job without and none of us could have. When Bob died it was at Bob's funeral that I turned to David and said, "You know, the Senate has a long tradition of functioning because of Gibson's. Back to your father, your brother, and we don't know quite what we're going to do without that presence. Is there any chance that you're interested?" I want to qualify that conversation, sharing it with you - because I've never shared it publicly before - for the simple reason that there were some extraordinarily qualified people to be Secretary of the Senate. It was not a lack of qualified applicants. It was my understanding of their love for this institution, their dedication to Vermont, their service as Vermonters and the simple fact that this Senate, in effect, has trouble functioning without Gibson blood. And David said, "Yes, I'm interested." So that started a process and I've got to tell you that the history will reflect that we had just taken over the Senate as Democrats and there wasn't unanimity among the caucus that that was the best thing to do. There was a particularly outspoken member of the caucus who reflected the thoughts of some others, who you may remember - I won't mention her name but she hailed from Windsor County - who said to me at that time, "I don't think that's the best judgment because he will be partisan." And I said, "Senator, you're almost always right, but not this time. Gibson's are not partisan. Gibson's care about Vermont. It's a family disease that they want to serve Vermont. When they serve Vermont they do it with objectivity, they do it with distinction, they do it with fairness, they do it with honesty, and they do it with love. If there is any exception to that in his service, you let me know." Those of you that knew that Senator well should record this: twelve months later, in my office, that particular Senator said to me, "Peter I have to tell you when I was wrong, and I was wrong." And I'll never forget that moment, nor will many of you.

"I tell you that story because as I was leaving here I was concerned about David's service to the Senate. I wanted to know how long it would be and what he was thinking about his life, since I was making some decisions about mine, and since we'd come in together in many ways. So I said, "David, what's your plan?" And his friend and colleague and partner, Vanessa, was there, and we had this conversation. I said, "Are you going to be here if I am lucky enough to be in public service after this election?" He said, "You bet I am!" He said, "I love my job." He said, "I've never been happier in my lifetime." He said, "Between the fact that I've finally found the love of my life in Nancy, and the

love of my life in my job, I'm going to be here until you don't want me anymore. Until they don't want me anymore, and I intend to be here for at least another decade."

"So I share that with you only because obviously it was an extraordinary shock to all of us that David left us when he did. And I just want to close by saying this: David was a friend to all of us. The Senate functioned with dignity because of him. He brought to Vermont his extraordinary love of this state, his fairness, his extraordinary attention to detail which is unrivaled and more than anything else his love of this institution. We will miss him deeply. We are delighted that his family is here. And I can tell you that while David is not here in presence, he is here with us in spirit every single day. I'll carry with me part of his good judgment and dignity as I serve as Governor and I know that all the people in this Senate, the new Secretary – Secretary Bloomer – and the rest of us will carry his dignity and his honesty with us every single day of our work.

"Thank you."

Remarks by the Honorable Peter F. Welch, United States Representative

"Governor Shumlin, Mr. President, Members of the Senate and the Gibson Family. This a really joyous occasion and a proud moment for Vermont. David Gibson, my colleague I sat next to David over there in seat 17, Senator Gannett was in seat 16 and I was in seat 15 when I first came to the Senate in 1981. I got to know David as a legislator and at that time Bob Gibson, his brother, was the Senate Secretary and I got to know him for the fine job that he did as Secretary. His brother, Ernest, every once in a while would rule my way, but sometimes not. I got to know him as a judge. His sister Gay I only met today. What an extraordinary family, the Gibson family. There is not a family in the State of Vermont that has had a longer term commitment to public service than the Gibson family. As all of you know, their Dad's portrait is in the Cedar Creek Room. He was a war hero, he was Governor, he was Senate Secretary, he was a federal court judge. His children all followed in his footsteps of service and tradition. I knew David was smart. At times I introduced a bill and was about to get passed he would read it and find problems. I was saying to my wife Margaret on the way up "Whenever David mentioned something you knew he was right because he had read it and thought about it, he was very considered in what his criticism was so if he made one it was something you realized you have got to deal with it." I didn't know he was the Editor of the Law Review, but I'm not surprised to hear that he was and as I think all of you know, the University of Virginia is one of the best law schools in the country, of course he was also a graduate of Yale College. This man was brilliant. In the resolution that was mentioned that he looked at every comma, he looked at every punctuation mark and it may lead

the listener to think that that is what he loved to do and he did. He loved to edit, he loved to be careful, he knew the importance of words. But my view after serving with him and working with him was that that love of words was not for themselves, it was something he understood and that is that civility matters. That what we do is important but how we do it is also fundamentally important and in a legislative body where the full range of contention that is part of our society where we wrestle with very difficult issues about taxing and spending, about health care, about intimate issues of reproduction. Every issue that generates heartfelt and intense feelings ultimately finds its place in this Senate for dispute, discussion and hopefully resolution. We only know too well from the tragic events this week that civility is fundamentally important to the fabric and democracy in our capacity to make difficult decisions and make progress. David understood that. He understood it from his whole tradition as a Gibson, he understood it because it's the culture of Vermont. He gave his life in service to the importance of civility in public debate and the resolution of intensely important public issues. So David Gibson is somebody I think we can all look to as an example of how to lead a passionate public life where we have the humility to understand that as intense as we are in our point of view the person who disputes our point of view has the same high motivations we'd like to see assigned to our own. And, for that, all of us will remember forever the service that David Gibson gave to us, those of us who were so fortunate to serve with him in this body but also all Vermonters, who even though they did not know David Gibson, benefitted from his life of dedicated public service.

“Thank you.”

Remarks by Howard Coffin

“Four years ago, on behalf of the National Park Service, I asked David Gibson to represent the State at the Vermont monument dedication on Virginia's Wilderness Battlefield. He accepted and spoke eloquently, capturing masterfully the historic moment, both of that day, and of two fiery Civil War days nearly a century and a half before when Vermonters saved Ulysses Grant's army. And having the Vermont senate secretary speak was most appropriate. The monument had origins in the Institutions Committee. And, more than 100 Civil War veterans served here in the Senate.

“That day I shared a podium with two good friends, David, and Jim Jeffords, just retired from the Senate and, sadly, making one of his last public appearances. There they were, those two gentlemen, bearing two of the great political names in Vermont's history, products of something today all but lost and gone—the Aiken/Gibson wing of the Vermont Republican Party.

From its ranks came its namesakes, former governors George Aiken and Ernest Gibson, David's father, and many other grand servants of Vermont, including senators James Lowell Oakes, John Downs, Edward Janeway, Robert Gannett, all the Gibsons. You know that as George Aiken neared retirement from the Senate he asked the nation's most Democratic liberal, John Kenneth Galbraith, father of the new senator from Windham County, to run and succeed him. Those Aiken/Gibson Republicans were, really, Franklin Roosevelt Republicans and they began a reshaping of Vermont politics whose results could be seen in the outcomes of the 2010 elections.

“Dave Gibson and I shared a friendship that mainly existed here, in the State House. In these graceful halls and hallways we talked, a thousand times, of baseball, books, ski jumping, history, Vermont everything, and politics past, present, and future. It seemed that he knew something about most everything. His sense of humor was unfailing, his compassion ever present, his advice, given but when solicited, always sound. His remarkable common sense, a hallmark of the family, will ever be a presence in this room, where his brother Bob, and his father, also served as secretaries of the Senate.

“That day on the Wilderness Battlefield was one of those gleaming autumn days that Virginia puts forth, with a touch of foliage, that can make a Vermonter almost homesick. As the dedication ceremony proceeded, a blazing sun dappled the leaf-scattered ground in which, I know, some Vermonters still lie.

“Then, just before Taps sounded, something remarkable happened. Out of a blue and cloudless sky, rain began to fall, no cloudburst, but a gentle sprinkle, like tears coming down to touch the once bloodied land.

“And so, good-bye Dave, our time spent together will ever be one of my treasures. So the silver drops came down at Wilderness that day, from somewhere.

“Shakespeare said:

“Take him and cut him out in little stars,

“And he will make the face of heaven so fine

“That all the world will be in love with night

“And pay no worship to the garish sun.”

Remarks by Senator Richard W. Sears, Jr.

“It’s somewhat difficult to follow the three preceding speakers.

“I came into the Senate 18 year ago and one of the first people I met was Bob Gibson. Bob and I shared a bad habit together so we ended up spending a

lot of time together in that room talking about life, talking about this that and the other thing. I became very good friends with Bob and was sorry to see his loss. Then David came and took over and did a masterful job. It's not always easy replacing your brother, I can't imagine what that would be like. I can't imagine settling arguments between various Senators who believe strongly in what they're saying and even sometimes even saying "We know you're right, but we'll go vote to make you wrong." I can remember a few battles with the Senator from Essex-Orleans and things like that that would get a little touchy and David was always the one to calm things down. I think we're heard from the three preceding speakers a lot about David but what I didn't know until about two years ago was David's passion as a former State's Attorney for innocence protection. He had been on a special committee nationwide. I doubt few people will know about this. They develop model legislation for innocence protection which is tremendously important, and the Senate was working on a bill on innocence protection particularly, eyewitness identification, and the use of videos for interrogation. That's come up a few times in the most recent history of the state. There was a lot of resistance from law enforcement. Obviously, David couldn't get involved in the legislation, but he did lead us in the right direction for the right people for our committee to hear from. All very quietly in the background. When I think of David Gibson, I think of somebody who worked in the background, didn't get a lot of credit sometimes for what he did but truly a great public servant and what an asset to this Senate. He will be missed. Thank you, Mr. President."

Remarks by Senator William H. Carris

"Thank you, Mr. President.

"Day one here four years ago I was overwhelmed by David's exceptional knowledge which he used to bail me out. Then I saw him bail out this body on a daily basis. It was unbelievable. David was always helpful to anyone, anytime about everything, always had time for me as I stumbled into this body. We all relied on David for everything moving smoothly, which is a neat trick. I came to love David for his dedication, his love of this body and his caring. His death was a great personal loss to me, to the Senate, to Vermont and to anyone who knew him.

"Thank you."

Remarks by Senator Hinda Miller

"I am not standing up with intimate stories about David Gibson nor long years of shared service. For me David Gibson was the soul of the Senate. His presence is felt even now. When I think of David Gibson, I think of poetry. I found a poem by William Wordsworth, it talks about natural piety. It's called

“The Rainbow”.

‘The Rainbow

My heart leaps up when I behold

A rainbow in the sky:

So was it when my life began;

So is it now I am a man;

So be it when I shall grow old,

Or let me die!

The child is father of the Man;

And I could wish my days to be

Bound each to each by natural piety

Bound each to each by natural piety.’

“David, we will miss your natural piety. God Bless you.”

Remarks by Senator Jeanette K. White

“As a new member to the Senate eight years ago, I found some of the rules and procedures a bit confusing and intimidating. David could tell that I was frustrated a couple times about particular issues. Even though we disagreed on the topic, and on what we thought should be the result, David sought me out and told me what to do in order to make sure my voice was heard and my right to try to stop a particular action was honored.

“He helped me become a better member by letting me in on what was actually happening during the floor session, knowing when my leg was being pulled by other members and how to get back at them – most notably the leadership – and helping me understand the rules and the traditions.

“David did this without regard to my party or my stand on issues. And he did it with a sense of humor.

“He also made a valiant attempt to make sure the Senate had a bowling team that could actually bowl.

“My only complaint about David was that he could do the crossword puzzles faster than I could.

“I will miss him tremendously.”

Remarks by Senator Robert M. Hartwell

“Thank you, Mr. President.

“About two years ago I found myself confronted with a question raised by others that clearly had to do with ethical standards and how we handle our public lives and our private lives where occupations are concerned. I analyzed this problem and worked it through in my own thinking and I’m walking down the hall downstairs thinking I’d solved the problem and all of a sudden that little person gets up on your shoulder, some of you know about this, and the person speaks in my ears and says to me “Are you sure that you’ve done everything you can do to analyze this problem to have come to that conclusion even though you know you’re proceeding in good faith.” Forty-five seconds later I presented myself in the Senate Secretary’s Office and asked David if I could speak with him alone about these things. We spoke right here, just the two of us, and I laid out the problem, which in the end turned out not to be a problem, but when it’s bothering you it’s really wonderful to have a David Gibson to talk with. He talked about the problem and he heard the issues as I saw them and asked me some questions and said I want to think about this. He went away and said I’ll probably talk to you tomorrow. In the meantime as I learned later he had a conversation with his colleague and his counterpart in the House, the House Clerk, whom we know and respect, they had a conversation and he came back to me the next day and he lays out the issues all over again which worked out very favorably to the circumstances. He pulls out a piece of paper on which he has written down the issues and his thinking about the issues and leaves that piece of paper with me. The thing that is great about this and about having somebody like David is that you could have that conversation even though you knew in the beginning you thought you had it right that’s often not enough when you’re dealing with these kinds of problems. He was a wonderful credit to this body and to this building and everyone who works here. He was an enormous help to me on issues and that was only time that issue came up but to have somebody who was as thoughtful and whose words were as thoughtful – Congressman Welch spoke about the words – and those words are on that piece of paper which still resides in my personal papers and I think it’s probably in those papers because of who wrote the words.

“Thank you, Mr. President.”

Remarks by Senator Vincent Illuzzi

“Thank you.

“I really did not have prepared remarks but I’ll speak extemporaneously.

“When I was in college at St. Michael’s College I was appointed at the recommendation of the President of the college as a student member of the State Board of Education: prior to it becoming an official position of the board. I was, I think, 18 or 19 years old and Dave Gibson served as a member of the State Board of Education with some other notables, Barbara Snelling, Joan Hoff and a couple of others. It was a five member board at the time. As I served Dave Gibson said to me one day “You know you ought to think about going to law school.” It was at a time in college when people didn’t really know what they were going to do. And I said, “Well, that’s a nice thought.” He actually wrote a letter to the Dean at the time, a fellow by the name of Thomas Devebois, it said “There is a college student who I really think would make a good candidate.” And based on David’s letter I received an application. Which is somewhat unusual, the application came to me. So I applied and was accepted and the rest is history. Maybe some of you may regret that moment. In any event, many years later, not that many years later, because I started when I was very young, I had just graduated from law school and I was elected to the Senate, I met Bob Gibson and worked with Bob for 20 years when he was the Secretary of the Senate. From time to time Bob would ask me to nominate him for reelection for Secretary of the Senate over the 20 year period. I was single for most of that time. I was very young. I worked at the State House alone at night and he would be here listening to the radio and smoking in his office, which was a common occurrence for those of you who knew him. It soon became known to me that the Gibson’s really were Southern Vermont’s first family. Now, of course, we have our own first family from Southern Vermont. At the time it was the Gibson family, Governor, U.S. Judge, War Hero. I mean, it was almost every position of honor that you could have in public service was held by a Gibson family member. I really think that as I’ve often told people, I’ve really grown up in this building. I’ve actually grown up in this Senate. Bob Gibson was a mentor. Then, of course, David came along and you know how history repeats itself. Here we are 25 years later and the person who got me into law and who had suggested public service to me was now the Secretary of the Senate. It was just a real pleasure dealing with the Gibson’s. You didn’t have to second guess where they were coming from. The advice was always the best advice they could share. So I have to really give both Bob and Dave a lot of credit for making me who I am today. To the Gibson Family it’s been a real pleasure to work over the last 31 years with members of your family, it’s something which has made me who I am. I will miss David. It’s really the end of an era. If it was 1930 or 1940 when there weren’t many democrats in Vermont, there was the Gibson, Aiken Wing of the Republican Party. I am confident I would have been a member of that division of the Republican Party. Probably, in large part, because thanks to the folks like Ernest, David and Bob. So, my

condolences to the family and just know that they've really helped to set Vermont on the right course which brings us to where we are today, probably one of the best states in the America."

Remarks by Secretary of the Senate John H. Bloomer, Jr.

"Thank-you for the opportunity to say a few remarks about David Gibson. My family have known the Gibson family for over 3/4 of a century. My grandfather Asa knew and worked with David's father. My uncle Bob served with David in the Senate. I had the privilege, honor and pleasure to know David when I served in this Chamber and he was the Secretary.

"On our journey in life, certain individuals stand out. They touch us in such profound ways it is difficult to express the depth of their impact and legacy. We sometimes encounter families of such outstanding individuals. David Gibson was such an individual. The Gibson family is such a family. These families create large footprints in the Vermont snow. Indeed, some families created such large footsteps later generations find it difficult to follow – to fill the voids left by earlier generations and relatives.

"When David came to the position of Secretary of the Senate he stared at the footprints left by his father and his brother, Bob. I know not how David viewed these footprints of his relatives. Yet, it has been said that to those much is given, much is expected. So as a Gibson, David must not have seen the high expectations as a burden, but rather as a standard to which he was to live as he fulfilled the duties of the office. A standard from which he never deviated during his service as Secretary of the Senate.

"David was an extraordinary individual, possessing the most important characteristics, characteristics instilled in all Gibsons: honesty, integrity, dedication, judgment and a sense of justice. He truly loved the Senate as an institution and worked hard to uphold its effectiveness and dignity and he cherished its history. His talent at guiding the Senate was rare.

"His stewardship of the office created a legacy. A practical, tangible legacy in his upgrading of the computerization of the office – instituting new software which simplifies processes and procedures. It is a tangible legacy which continues in the Office of the Secretary of the Senate. Equally important, his intangible legacy will be remembered – his Vermont values, his Gibson instilled legacy of honesty, integrity, dedication, judgment and sense of justice.

"These characteristics will be his footprints in the Vermont snow. I am humbled as I approach and stare at his footsteps. To follow, I fear I will need snow shoes on my feet merely to begin. But, by being ever mindful of the David's intangible legacy, the footprints will be visible and we will follow.

“Thank-you for this opportunity to speak about David, someone I deeply respected and greatly admired for his tremendous contributions not just in the Senate, but to the State of Vermont. He will be sorely missed.”

Remarks by the Honorable Philip B. Scott, Lieutenant Governor

“David began serving as Senate Secretary the same year I started serving in the Senate.

“As I contemplated the next phase of my political career – running for Lt. Governor - I was counting on the fact that David would be here to guide me on the Senate floor. Unfortunately, that turned out not to be the case.

“After the initial shock of David’s passing last year, my next thoughts were of concern for the Senate. At least 5 Senators would not be returning, and now the Senate Secretary as well. How was the Senate going to function logistically?

“Now, of course, we all know we’re going to be okay...our new Senate Secretary, John Bloomer, has picked up right where David left off. The fact that this transition was so smooth, is a testament to how well David did his job.

“David and his brother were fixtures of the Senate for 42 years. Together, they meticulously put into place a process that makes sense and makes it less difficult for someone like me to understand.

“That process and those traditions continue to guide all of us. I’m certainly going to miss David’s presence here, but in many ways I feel he’s still here with us.

“Our ceremony today includes two dedications to David Gibson. First, we’re dedicating the 2010 Journal of the Senate to David. This is a fitting tribute to a man who diligently and meticulously worked on this Journal for us.

“Second, as you know, in the future we will be re-dedicating the cloak room to the Gibsons, who served as Secretary of the Senate. As part of that rededication, hanging in the cloak room will be a photograph of David, which we’re about to unveil. I would ask that the Gibson family come up at this time to unveil the photograph.

“Finally, I’d like to invite everyone here to join the Gibson family for a reception in the Cedar Creek Room after we adjourn.”

Remarks by Dee Gibson on behalf of the Gibson Children

“Good Morning, Governor, Lt. Governor, Senators and friends and family of David Gibson!

“I speak today on behalf of the children of David Gibson

“We want to thank the State of Vermont and the Senate for honoring our father in recognition of his work here as Secretary of the Senate. Although he served the state in many capacities, he truly loved his work as Secretary of the Senate. He worked with a wonderful team and we want to give special thanks to Vanessa Davison, (who usually knew his schedule), for all of her dedicated and supportive work. He valued you highly!

“Most of you know our father in his various professional roles, his capacity for doing a thorough and good job whatever the task. We would just like to briefly touch upon the qualities that he shared with us as a father which we saw him model into all aspects of his life.

“He was a hard worker at home, but gentle and wise, giving freely of his advice – pearls of wisdom, which sometimes we heeded immediately! He was unassuming and non-judgmental, and we saw he was special to so many people. He had an innate understanding of human nature which flowed over into a compassion for all beings. He gave his time willingly to us as well as many others.

“He loved Vermont! He loved the land, the people and especially his family. He had a wonderful sense of fairness and tended to look out for the underdog.

“As a father he was a great role model with his work ethic which he carried out with integrity and humor. Oh yes, he had an infectious laugh, which will continue to resound in all of us who knew him well.

“We all miss him terribly, and know that he is hugely missed by all of you here in this building. And so thank you once again for recognizing and valuing our father, his love of this state, and his work here in the Senate.”

Remarks by Senator John F. Campbell

Senator Campbell’s Remarks

“We would like to, first of all, welcome everybody here to the Senate today and thanks for coming on such a special, special occasion. I just want to say one thing quickly about Dave. One thing that a lot of you all don’t know, was that Dave use to come up here on Monday nights and the two of us would meet over at Sarducci’s where we would plan those little pranks that we played on Senator White. Senator White use to think it was just myself and Governor Shumlin that were the ones that did this. But, actually, Dave was the one who convinced us to tell you that there really was a special session on Sunday. So we had to sneak up here and watch her come in all by herself and just go, “Where is everybody?” But thank you so much. I’ll tell you, the Gibson Family is amazing. All of us have learned so much from your brother, your

father, your special person. He was somebody who did not care what party you were from. He was there to help mentor, to help teach, to help guide and he did it very well. You will see many people here and there are a lot of folks that have gone on to other offices that I think David had a direct responsibility in that. I hope that he now looks down on all of us and still continues to guide us. So, thank you very much for coming today and thank you for sharing your brother and your Dad with us for so many years.

“Thank you.”

Called to Order

At ten o'clock and forty minutes in the morning the Senate was called to order by the President.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 9.

By Senators Miller and Ashe,

An act relating to sales of vinous beverages.

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

Adjournment

On motion of Senator Campbell, the Senate adjourned until eight o'clock and thirty minutes in the forenoon on Friday, January 14, 2011.

THURSDAY, JANUARY 13, 2011

The Senate was called to order by the President for an additional session of the Senate called in the discretion of the President *pro tempore* pursuant to Temporary Senate Rule 7.

Adjournment

Pursuant to Rule 9 of the Senate Rules, on motion of Senator Campbell, the Senate adjourned until eight o'clock and thirty minutes in the forenoon on Friday, January 14, 2011.

FRIDAY, JANUARY 14, 2011

The Senate was called to order by the President.

Devotional Exercises

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

Message from the House No. 4

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 resolution originating in the Senate of the following title:

J.R.S. 8. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Senate Resolution Adopted**S.R. 5.**

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

By Senator Campbell,

S.R. 5. Senate resolution relating to meeting dates of the Senate.

Resolved by the Senate:

That for the 2011 session, beginning with the week of January 5 and extending through the week ending February 26, Rule 7 of the Permanent Rules of the Senate, as adopted in 1989 and as amended in 1997, 2003, 2004, 2007 and 2008, is suspended and the following Temporary Rule 7 is adopted:

Temporary Senate Rule 7. The Senate shall meet every Tuesday at nine o'clock and thirty minutes in the forenoon and Friday at eleven o'clock and thirty minutes in the forenoon, unless otherwise ordered. In the discretion of the President *pro tempore* additional sessions of the Senate may be called on short notice.

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 Senator Campbell,

J.R.S. 9. 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 Tuesday, January 25, 2011, at two o'clock in the afternoon to receive the budget message of the Governor.

Message from the Governor

Appointments Referred

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

Blanchard, Rene L. of Essex Junction - Member of the Transportation Board, - from May 14, 2010, to February 28, 2013.

To the Committee on Transportation.

Clark, Sarah of Wolcott - Commissioner of the Department of Forest, Parks and Recreation, - from May 16, 2010, to February 28, 2011.

To the Committee on Natural Resources and Energy.

Butterfield, Robert of St. Johnsbury - Member of the Human Services Board, - from June 8, 2010, to February 28, 2015.

To the Committee on Health and Welfare.

Bertrand, Michael of Montpelier – Commissioner of the Department of Banking, Insurance, Securities and Health Care Administration, - from June 19, 2010, to February 28, 2011.

To the Committee on Finance.

Fraser, Richard of South Ryegate - Member of the Community High School of Vermont Board, - from July 2, 2010, to February 28, 2013.

To the Committee on Education.

Graves, Leon C. of Fairfield - Member of the Vermont Economic Development Authority, - from July 2, 2010, to June 30, 2016.

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

Kurzman, Daniel J. of Canaan - Member of the Vermont Economic Development Authority, - from July 2, 2010, to June 30, 2016.

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

Hashagen, John D., Jr. of Brattleboro - Member of the Vermont Economic Development Authority, - from July 2, 2010, to June 30, 2016.

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

Besio, Susan, Ph.D. of Jericho – Commissioner of the Department of Vermont Health Access, - from July 1, 2010, to February 28, 2011.

To the Committee on Health and Welfare.

Harper, Kevin of Bristol - Member of the Sustainable Jobs Fund Board of Directors, - from September 1, 2010, to August 31, 2015.

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

Shields, Bruce of Wolcott - Member of the Sustainable Jobs Fund Board, - from September 1, 2010, to August 31, 2015.

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

Adams, Steven of Hartland - Member of the Fish and Wildlife Board, - from July 27, 2010, to February 29, 2016.

To the Committee on Natural Resources.

Bernhardt, Anne of South Londonderry - Member of the Valuation Appeals Board, - from August 2, 2010, to January 31, 2013.

To the Committee on Finance.

Strano, Elizabeth of Bennington - Member of the State Board of Education, - from August 4, 2010, to June 30, 2012.

To the Committee on Education.

Gallant, Janice M., M.D. of South Burlington - Member of the Board of Medical Practices, - from August 9, 2010, to December 31, 2014.

To the Committee on Health and Welfare.

Fitzhugh, John of West Berlin - Member of the Board of Libraries, - from August 19, 2010, to February 29, 2012.

To the Committee on Education.

McIntire, Linda of Montpelier - Member of the State Labor Relations Board, - from September 1, 2010, to June 30, 2016.

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

Illuzzi, Eileen M. of Newport - Member of the Board of Medical Practice, - from September 3, 2010, to December 31, 2011.

To the Committee on Health and Welfare.

Burris, Laurey C. of Shelburne - Member of the Children and Family Council for Prevention Programs, - from September 8, 2010, to February 28, 2013.

To the Committee on Health and Welfare.

Tallon, Keith of Reading - Member of the Children and Family Council, - from September 8, 2010, to February 28, 2013.

To the Committee on Health and Welfare.

Schroeder, Wendy of South Burlington - Member of the Public Oversight Commission, - from September 16, 2010, to February 28, 2013.

To the Committee on Health and Welfare.

Westervelt, Jan of Cabot - Member of the Human Services Board, - from September 16, 2010, to February 28, 2011.

To the Committee on Health and Welfare.

Maron, Richard of Stowe - Member of the Public Oversight Commission, - from September 23, 2010, to February 28, 2011.

To the Committee on Health and Welfare.

Fleischer, Mitch of Richmond - Member of the Public Oversight Commission, - from October 1, 2010, to February 28, 2011.

To the Committee on Health and Welfare.

Tempesta, Catherine of Waitsfield - Member of the Public Oversight Commission, - from October 1, 2010, to February 28, 2011.

To the Committee on Health and Welfare.

van Wees, Hans of Burlington - Member of the Public Oversight Commission, - from October 1, 2010, to February 28, 2011.

To the Committee on Health and Welfare.

Hayward, Susan of Middlesex - Member of the Capitol Complex Commission, - from November 1, 2010, to October 31, 2013.

To the Committee on Institutions.

Shouldice, Heather of Calais - Member of the Capitol Complex Commission, - from November 1, 2010, to October 31, 2013.

To the Committee on Institutions.

Crowley, John P. of West Rutland - Member of the Public Oversight Commission, - from November 1, 2010, to February 28, 2011.

To the Committee on Health and Welfare.

Wilcox, Ronald of Manchester - Member of the Fish and Wildlife Board, - from November 3, 2010, to February 28, 2016.

To the Committee on Natural Resources and Energy.

Grillo, Amy W. of Dummerston - Member of the Community High School of Vermont Board, - from November 10, 2010, to February 29, 2012.

To the Committee on Education.

Quintana, Jorge of Essex Junction - Member of the Public Oversight Commission, - from November 8, 2010, to February 28, 2011.

To the Committee on Health and Welfare.

Lindley, John M., III of Montpelier - Member of the Capitol Complex Commission, - from November 12, 2010, to February 28, 2012.

To the Committee on Institutions.

Post, Bruce of Essex Junction - Member of the Board of Libraries, - from November 12, 2010, to February 28, 2014.

To the Committee on Education.

Bucknam, Charlie of East Hardwick - Member of the Transportation Board, - from November 23, 2010, to February 28, 2013.

To the Committee on Transportation.

Hayward, Timothy of North Middlesex - Member of the Transportation Board, - from November 23, 2010, to February 28, 2013.

To the Committee on Transportation.

Bishop, Bethany of Montpelier - Member of the Vermont Economic Development Authority, - from December 1, 2010, to June 30, 2012.

To the Committee on Finance.

McLain, Elizabeth of West Berlin - Member of the Board of Health, - from December 2, 2010, to February 28, 2013.

To the Committee on Health and Welfare.

McLain, Elizabeth of West Berlin - Member of the Natural Resources Board, Land Use Panel, - from December 2, 2010, to January 31, 2013.

To the Committee on Natural Resources.

Brodsky, Mary K. of Essex - Member of the Human Rights Commission, - from December 3, 2010, to February 28, 2014.

To the Committee on Judiciary.

McLaughlin, Judith of Enosburg Falls - Member of the Public Oversight Commission, - from December 3, 2010, to February 28, 2013.

To the Committee on Health and Welfare.

Gibbs, Jason of Duxbury – Alternate Member of the Natural Resources Board, - from January 1, 2011, to January 31, 2013.

To the Committee on Natural Resources and Energy.

Young, Peter F., Jr. Esq. of Northfield – Alternate Member of the Natural Resources Board, - from January 5, 2011, to January 31, 2014.

To the Committee on Natural Resources and Energy.

O'Rourke, Joseph R. of Rutland - Member of the Vermont Racing Commission, - from December 13, 2010, to January 31, 2015.

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

Davies, William of Orleans - Member of the Natural Resources Board, Water Resources Panel, - from December 15, 2010, to January 31, 2012.

To the Committee on Natural Resources and Energy.

Gibbs, Jason of Duxbury - Member of the Community High School of Vermont Board, - from January 1, 2011, to February 28, 2013.

To the Committee on Education.

Mello, Robert A. of Hinesburg – as Superior Court Judge, - from December 23, 2010, to March 31, 2016.

To the Committee on Judiciary.

O'Donnell, Patricia of Vernon – Alternative Member of the Natural Resources Board, - from December 23, 2010, to January 31, 2013.

To the Committee on Natural Resources and Energy.

Gerety, Robert P., Jr. of White River Junction – as Superior Court Judge, - from December 28, 2010, to March 31, 2013.

To the Committee on Judiciary.

Tomasi, Timothy B. of Montpelier - as Superior Court Judge, - from December 30, 2010, to March 31, 2013.

To the Committee on Judiciary.

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:

Besio, Susan of Jericho – Commissioner of the Department of Vermont Health Access, - from January 7, 2011, to February 28, 2013.

To the Committee on Health and Welfare.

Duffy, Kate of Williston - Commissioner of the Department of Human Resources, - from January 7, 2011, to February 28, 2013.

To the Committee on Government Operations.

Ide, Robert D. of Peacham - Commissioner of the Department of Motor Vehicles, - from January 7, 2011, to February 28, 2013.

To the Committee on Transportation.

MacKay, Noelle of Burlington - Commissioner of the Vermont Department of Housing and Community Development, - from January 7, 2011, to February 28, 2013.

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

Markowitz, Deb of Montpelier - Secretary of the Agency of Natural Resources, - from January 7, 2011, to February 28, 2013.

To the Committee on Natural Resources and Energy.

Miller, Elizabeth of Burlington - Commissioner of the Department of Public Service, - from January 7, 2011, to February 28, 2013.

To the Committee on Finance.

Miller, Lawrence of Ripton – Secretary of the Agency of Commerce and Community Development, - from January 7, 2011, to February 28, 2013.

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

Noonan, Annie of Montpelier – Commissioner of the Department of Labor, - from January 7, 2011, to February 28, 2013.

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

Obuchowski, Michael of Montpelier - Commissioner of the Department of Buildings and General Services, - from January 7, 2011, to February 28, 2013.

To the Committee on Institutions.

Oliver, Christine of Montpelier - Commissioner of the Department of Mental Health, - from January 7, 2011, to February 28, 2013.

To the Committee on Health and Welfare.

Pallito, Andrew of Jericho - Commissioner of the Department of Corrections, - from January 7, 2011, to February 28, 2013.

To the Committee on Institutions.

Peterson, Mary of Williston - Commissioner of the Department of Taxes, - from January 7, 2011, to February 28, 2013.

To the Committee on Finance.

Racine, Doug of Richmond – Secretary of the Agency of Human Services, - from January 7, 2011, to February 28, 2013.

To the Committee on Health and Welfare.

Ross, Chuck of Hinesburg - Secretary of the Agency of Agriculture, Food and Markets, - from January 7, 2011, to February 28, 2013.

To the Committee on Agriculture.

Spaulding, George B. “Jeb” of Montpelier – Secretary of Administration, - from January 7, 2011, to February 28, 2013.

To the Committee on Government Operations.

Yacovone, Dave of Morrisville - Commissioner of the Department of Children and Families, - from January 7, 2011, to February 28, 2013.

To the Committee on Health and Welfare.

Berry, Patrick of Middlebury - Commissioner of the Department of Fish and Wildlife, - from January 7, 2011, to February 28, 2013.

To the Committee on Natural Resources and Energy.

Chen, Harry of Mendon - Commissioner of the Department of Health, - from January 7, 2011, to February 28, 2013.

To the Committee on Health and Welfare.

Flynn, Keith of Derby Line - Commissioner of the Department of Public Safety - from January 7, 2011, to February 28, 2013.

To the Committee on Transportation.

Kimbell, Steve of Tunbridge - Commissioner of the Department of Banking, Insurance, Securities and Health Care Administration, - from January 7, 2011, to February 28, 2013.

To the Committee on Finance.

Mears, David of Montpelier - Commissioner of the Department of Environmental Conservation, - from January 7, 2011, to February 28, 2013.

To the Committee on Natural Resources and Energy.

Reardon, Jim of Essex Junction - Commissioner of the Department of Finance and Management, - from January 7, 2011, to February 28, 2013.

To the Committee on Government Operations.

Searles, Brian of Burlington – Secretary of the Agency of Transportation, - from January 7, 2011, to February 28, 2013.

To the Committee on Transportation.

Smith, Megan of Killington - Commissioner of the Department of Tourism and Marketing, - from January 7, 2011, to February 28, 2013.

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

Snyder, Michael of Stowe - Commissioner of the Department of Forests, Parks and Recreation, - from January 7, 2011, to February 28, 2013.

To the Committee on Natural Resources and Energy.

Wehry, Susan of Burlington - Commissioner of the Department of Disabilities, Aging and Independent Living, - from January 7, 2011, to February 28, 2013.

To the Committee on Health and Welfare.

Bills Introduced

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

S. 10.

By Senators Miller, Illuzzi, Carris and Lyons,

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

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

S. 11.

By Senators Miller, Illuzzi, Carris and Lyons,

An act relating to recognition of the Nulhegan Band of the Coosuk Abenaki Nation as a Native American Indian tribe.

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

S. 12.

By Senator Brock,

An act relating to adding a member from the area agencies on aging to the governor's commission on Alzheimer's disease and related disorders.

To the Committee on Health and Welfare.

S. 13.

By Senators Miller, Kittell and White,

An act relating to prescription drug labels.

To the Committee on Health and Welfare.

S. 14.

By Senator Illuzzi,

An act relating to display of POW/MIA flag.

To the Committee on Government Operations.

S. 15.

By Senators Miller, Snelling and White,

An act relating to insurance coverage for midwifery services and home births.

To the Committee on Health and Welfare.

S. 16.

By Senators Sears and Benning,

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

To the Committee on Judiciary.

S. 17.

By Senators Sears, Miller and White,

An act relating to medical marijuana dispensaries.

To the Committee on Health and Welfare.

S. 18.

By Senator Illuzzi,

An act relating to the disclosure of tax administration information to tax representatives.

To the Committee on Finance.

Bill Amended; Third Reading Ordered**S. 1.**

Senator Nitka, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to technical amendments to the judicial restructuring act of 2010.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 479(h) is added to read:

(h) For purposes of entitlement to medical benefits in retirement, former county court employees hired by the counties to court positions on or before June 30, 2008 who became state employees on February 1, 2011 pursuant to No. 154 of the Acts of the 2009 Adj. Sess. (2010) shall be deemed to have been first included in membership of the system on or before June 30, 2008.

Sec. 2. 3 V.S.A. § 1011 is amended to read:

§ 1011. DEFINITIONS

For the purposes of this chapter:

* * *

(8) "Employee," means any individual employed and compensated on a permanent or limited status basis by the judiciary department, including permanent part-time employees and any individual whose employment has ceased as a consequence of, or in connection with, any current labor dispute or because of an unfair labor practice. "Employee" does not include any of the following:

* * *

(H) ~~A register of probate.~~ [Repealed.]

* * *

Sec. 3. 4 V.S.A. § 363 is added to read:

§ 363. POWERS

(a) A probate judge may issue warrants, subpoenas, and processes in conformity with the law necessary to compel the attendance of witnesses or to produce books, papers, documents, or tangible things, or to carry into effect the orders, sentences, or decrees of the probate division or the powers granted it by law.

(b) A probate judge may appoint not more than three masters to report on a particular issue or to do or perform particular acts or to receive and report evidence.

Sec. 4. 12 V.S.A. § 2553 is added to read:

§ 2553. APPEALS TO CIVIL DIVISION; APPELLATE JURISDICTION

The civil division of the superior court shall have appellate jurisdiction of matters originally within the jurisdiction of the probate division of the superior court, except as herein otherwise provided.

Sec. 5. 12 V.S.A. § 2555 is added to read:

§ 2555. APPEAL TO CIVIL DIVISION

Except as otherwise provided, a person interested in an order, sentence, decree or denial issued by the probate division of the superior court, who considers himself or herself injured thereby, may appeal therefrom to the civil division of the superior court.

Sec. 6. Subsection (c) of Sec. 199 of No. 154 of the Acts of the 2009 Adj. Sess. (2010), in 32 V.S.A. § 1142, is amended to read:

(c) A probate judge whose salary is less than \$45,701.00 shall be eligible only for the least expensive medical benefit plan option available to state employees or may apply the state share of the premium for which the judge is eligible toward the purchase of another state or private health insurance plan.

A probate judge whose salary is less than \$45,701.00 may participate in other state employee benefit plans.

Sec. 7. REPEAL

4 V.S.A. § 436a (relating to a special circuit court at Waterbury to hear applications for treatment of mentally ill individuals) is repealed.

Sec. 8. EFFECTIVE DATE

This act shall take effect on February 1, 2011, except for Sec. 6 and this section, which shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Message from the House No. 5

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 adopted House concurrent resolutions of the following titles:

H.C.R. 6. House concurrent resolution honoring the Dean of the House of Representatives, Michael Obuchowski of Rockingham.

H.C.R. 7. House concurrent resolution congratulating the 2010 Hartford High School Hurricanes Division I championship football team.

H.C.R. 8. House concurrent resolution congratulating the Leland & Gray Union High School baseball Rebels on winning their third consecutive Division III championship.

H.C.R. 9. House concurrent resolution congratulating the 2010–2011 NewBrook Elementary School Vermont State Spelling Bee championship team.

H.C.R. 10. House concurrent resolution congratulating retired Orleans County physician Dr. Frank Fiermonte on his 90th birthday.

H.C.R. 11. House concurrent resolution welcoming the exhibition *The Hale Street Gang: Portraits in Writing* to the State House.

H.C.R. 12. House concurrent resolution honoring the bravery and dedication of the members of the Vermont National Guard.

H.C.R. 13. House concurrent resolution in memory of the American military personnel who have died in the service of their nation in Iraq or Afghanistan from April 11, 2010 to December 27, 2010.

H.C.R. 14. House concurrent resolution honoring John Nelson as a respected advocate for public education in Vermont.

H.C.R. 15. House concurrent resolution congratulating the 2010 Essex Hornets Division I championship boys' soccer team.

H.C.R. 16. House concurrent resolution honoring John T. Stoodley on his amazing journey to umpiring the 2010 College Softball World Series.

H.C.R. 17. House concurrent resolution congratulating the 2010 Bellows Falls Union High School Terriers Division III championship football team.

H.C.R. 18. House concurrent resolution congratulating Chroma Technology Corporation of Rockingham on being honored for its democratic managerial practices.

H.C.R. 19. House concurrent resolution wishing United States Representative Gabrielle Giffords and the other surviving victims of the tragic Tucson shooting incident a successful recovery, and expressing sincere condolences to the families of those who died.

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

The House has considered concurrent resolution originating in the Senate of the following title:

S.C.R. 1. Senate concurrent resolution in memory of Secretary of the Senate David A. Gibson.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Carris, the Senate adjourned, to reconvene on Tuesday, January 18, 2011, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 8.

TUESDAY, JANUARY 18, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mara Dowdall of Montpelier.

Pledge of Allegiance

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

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. 10. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 21, 2011, it be to meet again no later than Tuesday, January 25, 2011.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 19.

By Senator Illuzzi,

An act relating to increasing the property tax exemption for disabled veterans.

To the Committee on Finance.

Bill Amended; Bill Passed; Rules Suspended; Bill Messaged**S. 1.**

Senate bill entitled:

An act relating to technical amendments to the judicial restructuring act of 2010.

Was taken up.

Thereupon, pending third reading of the bill, Senators Flory and Illuzzi moved to amend the bill as follows:

First: By striking out Sec. 8 and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. EFFECTIVE DATE

(a) This section and Secs. 6 and 9–12 of this act shall take effect on passage.

(b) Secs. 1–5 and 7 shall take effect February 1, 2011.

Second: By adding four new sections to be numbered Secs. 9, 10, 11 and 12 to read as follows:

Sec. 9. 4 V.S.A. § 691 is amended to read:

§ 691. CLERKS AND ASSISTANTS; APPOINTMENT; COMPENSATION

(a) The superior court clerk, with the approval of the court administrator, may hire and remove staff for the superior court subject to the terms of any applicable collective bargaining agreement. The clerks and staff shall be state employees and shall be entitled to all fringe benefits and compensation accorded classified state employees who are similarly situated, subject to any applicable statutory limits, unless covered by a collective bargaining agreement that sets forth the terms and conditions of employment negotiated pursuant to the provisions of chapter 28 of Title 3.

(b) A staff person for the superior court may also serve as the county clerk if the court administrator approves of such service with the concurrence of the assistant judges. If a superior court staff person serves as county clerk pursuant to this subsection, the court administrator and the assistant judges shall enter into a memorandum of understanding with respect to the duties, work schedule, and compensation of the person serving.

(c) The court administrator and the assistant judges shall enter into a memorandum of understanding providing for the acceptance and processing of United States passport applications at each county court. The memorandum may provide for performance of passport acceptance and processing duties by the court clerk, county clerk, a superior court staffperson serving as county clerk pursuant to subsection (b) of this section, or any other court or county employee.

Sec. 10. 24 V.S.A. § 131 is amended to read:

§ 131. POWERS AND DUTIES

The assistant judges shall have the care and superintendence of county property, shall provide for the acceptance and processing of United States passport applications by county clerks pursuant to memorandums of understanding entered into under 4 V.S.A. § 691, may take deeds and leases of real estate to the county, rent or sell and convey unused lands belonging to the county, keep the courthouse, jail, and other county buildings insured, and make needed repairs and improvements in and around the same.

Sec. 11. 24 V.S.A. § 184 is added to read:

§ 184. PROCESSING OF PASSPORT APPLICATIONS

The county clerk shall accept and process applications for United States passports pursuant to memorandums of understanding entered into under 4 V.S.A. § 691.

Sec. 12. TRANSITIONAL PROVISIONS

The court administrator and the assistant judges in each county shall enter into a memorandum of understanding for each respective county as required by 4 V.S.A. § 691 on or before March 1, 2011.

Thereupon, pending the question, Shall the bill be amended as moved by Senators Flory and Illuzzi? Senator Sears raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that the amendment offered by Senators Flory and Illuzzi was *not germane* to the bill and therefore could not be considered by the Senate.

The President *overruled* the point of order and ruled that the recommendation of amendment was *germane* in that the amendment related in a natural and logical sequence to the subject matter of the original bill, changes to the court restructuring act.

Thereupon, the recurring question, Shall the bill be amended as recommended by Senators Flory and Illuzzi?, was decided in the affirmative.

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

Thereupon, on motion of Senator Campbell, the rules were suspended, and the bill was ordered messaged to the House forthwith.

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 by rule adopted in concurrence:

By All Members of the House,

By All Members of the Senate,

H.C.R. 1.

House concurrent resolution in memory of Representative Albert Audette of South Burlington.

By All Members of the House,

By All Members of the Senate,

H.C.R. 2.

House concurrent resolution in memory of Vermont National Guard Sergeant Steven J. DeLuzio of South Glastonbury, Connecticut.

By All Members of the House,

By All Members of the Senate,

H.C.R. 3.

House concurrent resolution in memory of United States Marine Lance Corporal Anthony James Rosa of Swanton.

By All Members of the House,

By All Members of the Senate,

H.C.R. 4.

House concurrent resolution in memory of Vermont National Guard Sergeant Tristan H. Southworth of Walden.

By All Members of the House,

By All Members of the Senate,

H.C.R. 5.

House concurrent resolution in memory of Specialist Ryan Grady of West Burke.

By All Members of the House,

By All Members of the Senate,

H.C.R. 6.

House concurrent resolution honoring the Dean of the House of Representatives, Michael Obuchowski of Rockingham.

By Representative Bohi and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 7.

House concurrent resolution congratulating the 2010 Hartford High School Hurricanes Division I championship football team.

By Representative Marek and others,

H.C.R. 8.

House concurrent resolution congratulating the Leland & Gray Union High School baseball Rebels on winning their third consecutive Division III championship.

By Representative Marek and others,

H.C.R. 9.

House concurrent resolution congratulating the 2010–2011 NewBrook Elementary School Vermont State Spelling Bee championship team.

By Representative Kilmartin and others,

By Senators Illuzzi and Starr,

H.C.R. 10.

House concurrent resolution congratulating retired Orleans County physician Dr. Frank Fiermonte on his 90th birthday.

By Representatives French and Townsend,

By Senator MacDonald,

H.C.R. 11.

House concurrent resolution welcoming the exhibition *The Hale Street Gang: Portraits in Writing* to the State House.

By Representative Acinapura and others,

By All Members of the Senate,

H.C.R. 12.

House concurrent resolution honoring the bravery and dedication of the members of the Vermont National Guard.

By Representative Obuchowski and others,

H.C.R. 13.

House concurrent resolution in memory of the American military personnel who have died in the service of their nation in Iraq or Afghanistan from April 11, 2010 to December 27, 2010.

By House Committee on Education,

By Senate Committee on Education.

H.C.R. 14.

House concurrent resolution honoring John Nelson as a respected advocate for public education in Vermont.

By Representative Myers and others,

H.C.R. 15.

House concurrent resolution congratulating the 2010 Essex Hornets Division I championship boys' soccer team.

By Representative Obuchowski and others,

H.C.R. 16.

House concurrent resolution honoring John T. Stoodley on his amazing journey to umpiring the 2010 College Softball World Series.

By Representative Obuchowski and others,

H.C.R. 17.

House concurrent resolution congratulating the 2010 Bellows Falls Union High School Terriers Division III championship football team.

By Representatives Obuchowski and Partridge,

H.C.R. 18.

House concurrent resolution congratulating Chroma Technology Corporation of Rockingham on being honored for its democratic managerial practices.

By Representative Acinapura and others,

By All Members of the Senate,

H.C.R. 19.

House concurrent resolution wishing United States Representative Gabrielle Giffords and the other surviving victims of the tragic Tucson shooting incident a successful recovery, and expressing sincere condolences to the families of those who died.

Adjournment

On motion of Senator Campbell, the Senate adjourned until eight o'clock and thirty minutes in the forenoon on Friday, January 21, 2011.

FRIDAY, JANUARY 21, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Rabbi James Glazier of Burlington.

Joint Resolution Referred**J.R.S. 11.**

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

By Senators Lyons, Sears, Ashe, Ayer, Baruth, Fox, Giard, MacDonald, McCormack, Miller and Pollina,

J.R.S. 11. Joint resolution urging the United States Congress to propose an amendment to the United States Constitution for the states' consideration which provides that corporations are not persons under the laws of the United States or any of its jurisdictional subdivisions.

Whereas, free and fair elections are essential to American democracy and effective self-governance, and

Whereas, individual persons are rightfully recognized as the human beings who actually vote in elections, and

Whereas, corporations are legal entities that governments create and can exist in perpetuity and simultaneously in many nations, and

Whereas, they do not vote in elections and should not be categorized as persons for purposes related to elections for public office, and

Whereas, corporations are not mentioned in the United States Constitution as adopted, nor have Congress and the states recognized corporations as legal persons in any subsequent federal constitutional amendment, and

Whereas, during the 1885–1886 United States Supreme Court term, in the midst of oral arguments leading to the decision Santa Clara vs. Southern Pacific Railroad Company, 118 U.S. 394, Chief Justice Waite stated that all the justices agreed that the Fourteenth Amendment's prohibition on a state denying equal protection to a person applies to a state's treatment of private corporations, and

Whereas, this brief but extraordinarily significant comment of Chief Justice Waite sanctioned private corporations to sue municipal and state governments for adopting laws that violate a corporation's rights even when those laws serve to protect and defend the rights of human persons, and

Whereas, the United States Supreme Court has continued to adhere to this legal position in its jurisprudence for over a century, and most recently applied it in its decision Citizens United v. the Federal Election Commission, 130 S.Ct. 876, that eliminated many restrictions, including any total prohibition, on corporate spending in the electoral process, and

Whereas, the Court in Citizens has created a new and unequal playing field between human beings and corporations with respect to campaign financing, negating over a century of precedent prohibiting corporate contributions to federal election campaigns dating to the Tillman Act of 1907, and

Whereas, the Citizens decision has forced candidates for political office to divert attention from the interests and needs of their human constituents in order to raise sufficient campaign funds for election, and

Whereas, corporations are not and have never been human beings and therefore are rightfully subservient to human beings and the governments that are their creators, and

Whereas, the profits and institutional survival of large corporations are often in direct conflict with the essential needs and rights of human beings, and

Whereas, large corporations have used their so-called rights to successfully seek the judicial reversal of democratically enacted laws passed at the municipal, state, and federal levels aimed at curbing corporate abuse, and

Whereas, these judicial decisions have rendered democratically elected governments ineffective in protecting their citizens against corporate harm to the environment, health, workers, independent business, and local and regional economies, and

Whereas, large corporations own most of America's mass media and employ those media to loudly express the corporate political agenda and to convince Americans that the primary role of human beings is that of consumers rather than sovereign citizens with democratic rights and responsibilities, and

Whereas, the only way to reverse this intolerable societal reality is to amend the United States Constitution to define persons as human beings and not corporations, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to propose an amendment to the United States Constitution for the states' consideration which provides that corporations are not persons under the laws of the United States or any of its jurisdictional subdivisions, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation.

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

Joint Resolution Placed on Calendar**J.R.S. 13.**

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

By Senators Brock, Illuzzi, Kittell and Starr,

J.R.S. 13. Joint resolution urging the United States Department of Homeland Security not to close the international port of entry at Morses Line in the town of Franklin.

Whereas, the communities along the Quebec–Vermont border have been culturally and economically intertwined for generations, and many local residents are bilingual in English and French, with friends and relatives on both sides of the international border, and

Whereas, the United States Department of Homeland Security has announced its intention to close the small, but locally essential, port of entry at Morses Line, and

Whereas, this decision was reached following a locally held public hearing at which the discussion centered exclusively on the proposed federal acquisition of privately owned farmland to accommodate a much larger port of entry building and not on the question of whether there should be a port of entry, and

Whereas, since the closure decision was announced, there has been an overwhelming outpouring of opposition from local residents, the business community, and governmental officials to retain the Morses Line border crossing, and

Whereas, this strong consensus of opposition was expressed at a second public hearing held in Franklin in September 2010, and

Whereas, the president of the Franklin County International Firefighters Association, which includes members of firefighting companies on both sides of the Vermont–Quebec border that provide mutual aid, stated the closure would increase cross-border emergency response time, and

Whereas, the owners of the Tyler Place Family Resort in Highgate Springs and general store proprietors from both Highgate and Franklin spoke of their strong reliance on the Morses Line border crossing for their economic vitality, especially tourist-related business, and

Whereas, agriculturally, farmers would lose a local crossing to drive their equipment across the border for repairs, and the next nearest port of entry would not be legally accessible for this purpose as it is a state highway, and

Whereas, as a result, fertilizer deliveries from Canada to local farmers would be reduced in number and promptness of delivery, and

Whereas, at the second public hearing, now Governor Peter Shumlin spoke in favor of retaining the Morses Line port of entry, and a similar message of support was presented on behalf of former Lt. Governor Brian Dubie, who now serves as the governor's special liaison with the government of the province of Quebec, and

Whereas, Christian Ouellet M.P., who represents the Brome-Missisquoi constituency of Canadian border communities across from Franklin and Highgate and is a member of the parliamentary border caucus, appeared at the hearing to express his support for the Morses Line facility, and

Whereas, staff representatives of Senators Leahy and Sanders and Congressman Welch each appeared at the meeting in support of the port of entry and subsequently sent a joint letter to United States Secretary of Homeland Security Janet Napolitano, urging that the Morses Line port of entry remain open, and

Whereas, far less traffic passes through the Morses Line port of entry than its counterpart in Highgate at the northern terminus of Interstate 89 and should not need to be housed in as elaborate or as large a facility, and

Whereas, every effort should be made to minimize the amount of private farmland required for the continuance of the Morses Line port of entry, and

Whereas, if a minimal amount of private farmland must absolutely be acquired, then the landowner is entitled to truly fair and reasonable compensation, and

Whereas, the Department of Homeland Security is now receiving additional public comments on the future of the Morses Line port of entry before a final determination is rendered, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly urges the United States Department of Homeland Security to retain the port of entry at Morses Line; that any renovations to the existing building be less elaborate than previously proposed in keeping with the realistic expectation of future traffic flow; that the acquisition of private farmland for building renovations be minimized to the greatest degree possible; and that if any land is acquired, the landowners be

provided with a reasonable compensation that accurately reflects the fair market value of the land, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to United States Secretary of Homeland Security Janet Napolitano, to the town clerks of Franklin and Highgate, to Christian Ouellet M.P. in Cowansville, Quebec, and to the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Senate Resolution Adopted

Senate resolution of the following title was offered and is as follows:

By Senators Miller, Ashe, Ayer, Baruth, Benning, Carris, Doyle, Fox, Galbraith, Giard, Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Sears, Snelling, Starr, Westman and White,

S.R. 6. Senate resolution commemorating the 38th anniversary of Roe v. Wade and reaffirming support for its fundamental holding and principles.

Whereas, on January 22, 1973, in a landmark decision, the U.S. Supreme Court issued its historic ruling in Roe v. Wade, affirming that women, not politicians, should make the most personal decision of when or whether to have children, and

Whereas, the constitutional right to abortion as embodied in Roe v. Wade recognizes women's right to exercise reproductive choice, saves women's lives, and strengthens families, and

Whereas, prior to the Roe v. Wade decision, thousands of American women died every year as a result of complications from unsafe and illegal abortions, and an untold number of women suffered grievous injuries, a situation that created a serious public health problem that has virtually been eliminated by providing access to safe and legal abortion, and

Whereas, it is a public health goal of the state of Vermont to protect and enhance the health of all Vermonters, including women of all ages, and to strengthen families by encouraging and promoting access to comprehensive family planning services, and

Whereas, violence against providers and restrictions against abortion endanger the lives of women and men, and have continued to erode access to abortion, and

Whereas, safe, legal, and accessible abortion services are still under attack, especially for women for whom English is a second language or who do not

speak English at all, poor women, rural women, and women who are minors, and

Whereas, it is critical for the economic health of our country, and the personal health and happiness of American women, that the right of women and their families to make their own personal medical decisions about reproduction and gynecological issues be vigilantly preserved and protected, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont reaffirms the right of every Vermont woman to privacy, autonomy, and safety in making personal decisions regarding reproduction and family planning, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to the Vermont Congressional Delegation.

Thereupon, the question, Shall the Senate resolution be adopted?, was decided in the affirmative on a roll call, Yeas 28, Nays 0.

Senator Galbraith having demanded the yeas and nays, they were taken and are as follows:

Roll Call

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

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Ayer, Carris.

Bills Introduced

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

S. 20.

By Senator White,

An act relating to financing campaigns for elected office.

To the Committee on Government Operations.

S. 21.

By Senators Lyons and Pollina,

An act relating to solid waste management and recycling.

To the Committee on Natural Resources and Energy.

S. 22.

By Senator Mullin,

An act relating to school choice for students who have been subject to harassment.

To the Committee on Education.

S. 23.

By Senator Lyons,

An act relating to funding stormwater utilities in municipalities with stormwater-impaired waters.

To the Committee on Natural Resources and Energy.

S. 24.

By Senators Lyons and McCormack,

An act relating to the regulation of toxic substances.

To the Committee on Natural Resources and Energy.

S. 25.

By Senators Lyons and Snelling,

An act relating to the use of pesticides in proximity to water and in utility rights-of-way.

To the Committee on Natural Resources and Energy.

S. 26.

By Senators Miller and Illuzzi,

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.

Message from the House No. 6

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 resolution originating in the Senate of the following title:

J.R.S. 9. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

And has adopted the same in concurrence.

Message from the House No. 7

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 resolution originating in the Senate of the following title:

J.R.S. 10. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Message from the House No. 8

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 adopted joint resolution of the following title:

J.R.H. 8. Joint resolution honoring women veterans and requesting that state and federal officials work cooperatively to assure that women veterans receive their due recognition and essential support services.

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

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 25, 2011, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 10.

TUESDAY, JANUARY 25, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kevin Rooney of Northfield.

Pledge of Allegiance

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

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. 12. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 28, 2011, it be to meet again no later than Tuesday, February 1, 2011.

Joint Resolution Placed on Calendar**J.R.H. 8.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution honoring women veterans and requesting that state and federal officials work cooperatively to assure that women veterans receive their due recognition and essential support services

Whereas, March is Women's History Month, and the Vermont Historical Society, the Vermont Commission on Women, and the Veterans of Foreign Wars are recording the stories of the state's women veterans for preservation by the Vermont Women's History Project, and

Whereas, although women have unofficially and honorably served in combat roles since the American Revolution, it was not until 1901 that the first United States military unit for women, the Army Nurse Corps, was created, and

Whereas, decades later in 1942, Congress enacted the Women's Naval Reserve Act and established the Women's Auxiliary Army Corps and the Women Air Service Pilots, whose surviving veterans in 2010 were each awarded a Congressional Gold Medal honoring their military service, and

Whereas, women now comprise 14 percent of active duty and nearly 17 percent of those serving in the various Reserves and National Guard forces, and

Whereas, the number of women veterans is expected to be nearly two million by 2020 and will constitute more than 10 percent of the veteran population, and

Whereas, there is now an increasing need to improve health care services offered to women veterans and to ensure clinicians are properly trained to provide primary care and gender-specific care to women of all ages, and

Whereas, in light of the rapidly increasing number of women returning from deployments including some with exposure to combat, the United States Department of Veterans Affairs and state and voluntary veterans' organizations work cooperatively to ensure that needed health and other support services are available to these women who have patriotically served our country, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors women veterans and requests that state and federal officials work cooperatively to assure that women veterans receive their due recognition and essential support services, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the director and women veterans coordinator at the Vermont Office of Veterans Affairs, to the United States Veterans Health Administration women veterans program manager in White River Junction, and to the Vermont offices of the Veterans of Foreign Wars and the American Legion's Women's Auxiliary.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Bills Introduced

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

S. 27.

By Senator Hartwell,

An act relating to the role of municipalities and the public in the siting of electric generation and transmission and natural gas facilities.

To the Committee on Finance.

S. 28.

By Senator Lyons,

An act relating to consolidating land use and environmental permit administration, rulemaking, and appeals into a department of environmental quality headed by an environmental council.

To the Committee on Natural Resources and Energy.

S. 29.

By Senators Snelling, Ashe, Cummings, Fox, Lyons, MacDonald, McCormack, Miller, Pollina, Sears and White,

An act relating to early childhood educators.

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

S. 30.

By Senators Doyle, Cummings and Mullin,

An act relating to enhancing the penalty for assault of a nurse.

To the Committee on Judiciary.

S. 31.

By Senators Miller, Ashe, Ayer, Giard, Hartwell, Kittell, Lyons, McCormack, Pollina and White,

An act relating to the Agreement Among the States to Elect the President by National Popular Vote.

To the Committee on Government Operations.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 1 was introduced, read the first time and referred:

By Senator Galbraith,

PROPOSAL 1**Sec. 1. PURPOSE**

This proposal would amend the Constitution of the State of Vermont to provide a right to health care. The general assembly shall determine the scope of the right to health care.

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

Article 22. [RIGHT TO HEALTH CARE]

That each person shall have a right to health care to include care by qualified physicians, necessary surgery and surgical procedures, hospitalization, and prescribed medicines. This right shall be exercised as the general assembly shall so determine.

To the Committee on Health and Welfare.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 2 was introduced, read the first time and referred:

By Senator Galbraith,

PROPOSAL 2

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide a set of environmental rights, including clean water, a natural environment uncompromised by manufactured substances that are toxic and unhealthy, and enjoyment of nature, forests, wilderness, and wildlife.

Sec. 2. Article 23 of Chapter I of the Vermont Constitution is added to read:

Article 23. [RIGHT TO CLEAN WATER, CLEAN AIR, AND NATURE]

That the people shall have the right to clean water and air, to a natural environment uncompromised by manufactured substances that are toxic and unhealthy, and to the enjoyment of nature, forests, wilderness, and wildlife.

To the Committee on Natural Resources and Energy.

Joint Resolution Adopted on the Part of the Senate

J.R.S. 13.

Joint Senate resolution entitled:

Joint resolution urging the United States Department of Homeland Security not to close the international port of entry at Morses Line in the town of Franklin.

Having been placed on the Calendar for action, was taken up and adopted on the part of the Senate.

Appointment of Senate Members to the Joint Committee on Judicial Retention

Pursuant to the provisions of 4 V.S.A. §607, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Committee on Judicial Retention during this biennium:

Senator Nitka
Senator Galbraith
Senator Fox
Senator Benning

Adjournment

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

Called to Order

At one o'clock and forty-five minutes the Senate was called to order by the President.

Message from the House No. 9

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. 65. An act relating to fiscal year 2011 budget adjustment.

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

Message from the House No. 10

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. 1. An act relating to challenges for change outcomes for persons with disabilities.

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

Message from the House No. 11

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 adopted House concurrent resolutions of the following titles:

H.C.R. 20. House concurrent resolution congratulating Frederick Martin Wilkens on his 90th birthday.

H.C.R. 21. House concurrent resolution honoring Grafton volunteer firefighter Richard Thompson and sending best wishes for recovery to Beatrice Fisher who he gallantly rescued from her burning home.

H.C.R. 22. House concurrent resolution honoring Roland Dion for his dedicated public and community service in the city of Winooski.

H.C.R. 23. House concurrent resolution congratulating the town of Brandon on its 250th anniversary.

H.C.R. 24. House concurrent resolution honoring Brattleboro American Legion Band manager Don Strange.

H.C.R. 25. House concurrent resolution commemorating the restoration and sesquicentennial anniversary of the historic Brandon Town Hall.

H.C.R. 26. House concurrent resolution recognizing January 2011 as National Human Trafficking Awareness Month in Vermont.

H.C.R. 27. House concurrent resolution congratulating the 2010 Champlain Valley Union High School Redhawks Division I and New England championship girls' cross-country team.

H.C.R. 28. House concurrent resolution congratulating Jennifer Lawson of Waltham on being named the 2011 Vermont Teacher of the Year .

H.C.R. 29. House concurrent resolution congratulating Dr. Joe Klopfenstein on being named the American Association of Bovine Practitioners' 2010 Bovine Practitioner of the Year.

H.C.R. 30. House concurrent resolution extending best wishes to Pete's Greens organic farm on the reconstruction of its burned barn in Craftsbury.

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

Bills Referred

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

H. 1.

An act relating to challenges for change outcomes for persons with disabilities.

To the Committee on Health and Welfare.

H. 65.

An act relating to fiscal year 2011 budget adjustment.

To the Committee on Appropriations.

Recess

The Chair declared a recess until the fall of the gavel.

Called to Order

At two o'clock and twelve minutes in the afternoon the Senate was called to order by the President.

Joint Assembly

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

J.R.S. 9. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at two o'clock and fifty-five minutes in the afternoon, the President resumed the Chair.

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, was by rule adopted on the part of the Senate:

By Senators Brock and Kittell,

S.C.R. 2.

Senate concurrent resolution honoring Hildred Tatro for her exemplary role as co-librarian at the Enosburg Public Library.

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 by rule adopted in concurrence:

By Representatives Donovan and Wizowaty,

H.C.R. 20.

House concurrent resolution congratulating Frederick Martin Wilkens on his 90th birthday.

By Representatives Partridge and Obuchowski,

H.C.R. 21.

House concurrent resolution honoring Grafton volunteer firefighter Richard Thompson and sending best wishes for recovery to Beatrice Fisher who he gallantly rescued from her burning home.

By Representatives Bissonnette and Atkins,

H.C.R. 22.

House concurrent resolution honoring Roland Dion for his dedicated public and community service in the city of Winooski.

By Representative Acinapura,

By Senators Ayer and Giard,

H.C.R. 23.

House concurrent resolution congratulating the town of Brandon on its 250th anniversary.

By Representative Hebert and others,

By Senator White,

H.C.R. 24.

House concurrent resolution honoring Brattleboro American Legion Band manager Don Strange.

By Representative Acinapura,

By Senators Ayer and Giard,

H.C.R. 25.

House concurrent resolution commemorating the restoration and sesquicentennial anniversary of the historic Brandon Town Hall.

By Representative Ram and others,

By Senator Baruth,

H.C.R. 26.

House concurrent resolution recognizing January 2011 as National Human Trafficking Awareness Month in Vermont.

By Representative Lenes and others,

By Senators Ashe, Baruth, Fox, Lyons, Miller and Snelling,

H.C.R. 27.

House concurrent resolution congratulating the 2010 Champlain Valley Union High School Redhawks Division I and New England championship girls' cross-country team.

By Representatives Clark and Lanpher,

By Senators Ayer and Giard,

H.C.R. 28.

House concurrent resolution congratulating Jennifer Lawson of Waltham on being named the 2011 Vermont Teacher of the Year.

By Representatives Lanpher and Clark,

By Senators Ayer and Giard,

H.C.R. 29.

House concurrent resolution congratulating Dr. Joe Klopfenstein on being named the American Association of Bovine Practitioners' 2010 Bovine Practitioner of the Year.

By Representative Young and others,

H.C.R. 30.

House concurrent resolution extending best wishes to Pete's Greens organic farm on the reconstruction of its burned barn in Craftsbury.

Adjournment

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the forenoon on Friday, January 28, 2011.

FRIDAY, JANUARY 28, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rebecca Clark of Montpelier.

Message from the House No. 12

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

H. 81. An act relating to approval of the adoption and codification of the charters of the town of Danville and the Danville school district.

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

The House has considered a bill originating in the Senate of the following title:

S. 1. An act relating to technical amendments to the judicial restructuring act of 2010.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

The House has adopted joint resolution of the following title:

J.R.H. 9. Joint resolution explaining the importance and value of maple syrup and the University of Vermont's Proctor Maple Research Center.

In the adoption 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. 12. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Message from the House No. 13

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. 30. An act relating to requiring the board of governors of the unified towns and gores of Essex County to hear tax appeals.

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

Message from the House No. 14

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 resolution originating in the Senate of the following title:

J.R.S. 13. Joint resolution urging the United States Department of Homeland Security not to close the international port of entry at Morses Line in the town of Franklin.

And has adopted the same in concurrence.

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

H.C.R. 31. House concurrent resolution congratulating the Vermont Jazz Ensemble on its 35th anniversary.

H.C.R. 32. House concurrent resolution congratulating the 2010 Rice Memorial High School Division III championship field hockey team.

H.C.R. 33. House concurrent resolution congratulating the Vermont Refugee Resettlement Program and the U.S. Committee for Refugees and Immigrants on their respective 30th and 100th anniversaries.

H.C.R. 34. House concurrent resolution honoring Michael Law on his outstanding career as a secondary school athletic coach.

H.C.R. 35. House concurrent resolution recognizing the week of January 3, 2011 as Nurse Anesthetist Week in Vermont.

H.C.R. 36. House concurrent resolution congratulating Keith Gerritt on his designation as the Vermont Principals' Association's 2010 High School Principal of the Year.

H.C.R. 37. House concurrent resolution congratulating the 2010 Missisquoi Valley Union High School Thunderbirds Division II championship boys' soccer team.

H.C.R. 38. House concurrent resolution congratulating Congregation Beth El of Bennington as it commences its second century.

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

The House has considered concurrent resolution originating in the Senate of the following title:

S.C.R. 2. Senate concurrent resolution honoring Hildred Tatro for her exemplary role as co-librarian at the Enosburg Public Library.

And has adopted the same in concurrence.

Appointment of Senate Members to Joint Rules Committee

The President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Rules Committee for terms of two (2) years pursuant to the provisions of Joint Rule No. 5:

Senator Campbell, *ex officio*
 Senator Carris
 Senator Doyle
 Senator Mazza

Appointment of Senate Members to the Legislative Advisory Committee on the State House

Pursuant to the provisions of 2 V.S.A. §651, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Advisory Committee on the State House for terms of two years:

Senator Campbell
 Senator Hartwell
 Senator Mazza

Appointment of Senate Members to Legislative Council

Pursuant to the provisions of 2 V.S.A. §402, the President announced the appointment by the President of the following Senators to serve on the Legislative Council for terms of two years:

Senator Campbell, *ex officio*
Senator Ashe
Senator Mazza
Senator Mullin

Appointment of Senate Members to Legislative Information Technology Committee

Pursuant to the provisions of 2 V.S.A. §751, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Information Technology Committee for the current biennium:

Senator Brock
Senator Carris
Senator Hartwell
Senator Westman

Appointment of Senate Members to the Emergency Board

Pursuant to the provisions of 32 V.S.A. §131, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Emergency Board for terms of two years:

Senator Kitchel, *ex officio*
Senator Cummings, *ex officio*

Appointment of Senate Members to Joint Fiscal Committee

Pursuant to the provisions of 2 V.S.A. §501, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Fiscal Committee for terms of two years ending February 1, 2013:

Senator Kitchel, *ex officio*
Senator Cummings, *ex officio*
Senator Campbell
Senator Sears
Senator Snelling

Appointment of Senate Members to the Joint Transportation Oversight Committee

Pursuant to the provisions of 19 V.S.A. §12b the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Transportation Oversight Committee for terms of two years:

Senator Mazza, *ex officio*
Senator Kitchel, *ex officio*
Senator Cummings, *ex officio*

Appointment of Senate Members to the Joint Energy Committee

Pursuant to the provisions of 2 V.S.A. §601, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Energy Committee for terms of two years ending on February 1, 2013:

Senator Ashe
Senator Illuzzi
Senator Lyons
Senator MacDonald

Appointment of Senate Member to Vermont State Nuclear Advisory Panel (V-SNAP)

Pursuant to the provisions of 18 V.S.A. §1700, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont State Nuclear Advisory Panel (V-SNAP) for a term of two years ending on January 15, 2013:

Senator MacDonald

Workforce Development Council

Pursuant to the provisions of 10 V.S.A. §541(a) (Supp. 2008), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Workforce Development Council for a term of two years:

Senator Carris
Senator Mullin

Appointment of Senate Member to Vermont Interactive Television Coordinating Council

Pursuant to the provisions of Executive Order #10-94, issued under date of October 14, 1994, by Governor Howard B. Dean, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Interactive Television Coordinating Council during this biennium:

Senator Mazza

Appointment of Senate Member to Vermont Council on Family Violence

Pursuant to the provisions of Executive Order No. 15-8, issued on June 29, 2006, the President, on behalf of the Committee on Committees,

announced the appointment of the following Senator to serve on the Council on Family Violence during this biennium:

Senator Fox

**Appointment of Senate Member to the Criminal Justice Cabinet
(successor to Criminal Justice Council)**

Pursuant to the provisions of Executive Order No. 13-1, issued on July 22, 1992, by Governor Howard B. Dean, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator as a member of the Criminal Justice Cabinet during this biennium:

Senator Sears

Appointment of Senate Member to the Access Board

Pursuant to the provisions of 21 V.S.A. §272, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Access Board for a term of two years:

Senator Hartwell, *ex officio*

Vermont Child Poverty Council

Pursuant to the provisions of No. 68 § 1(b) of the Acts of 2007, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Vermont Child Poverty Council during this biennium:

Senator Flory
Senator Fox
Senator Hartwell

Commission on International Trade and State Sovereignty

Pursuant to the provisions of 3 V.S.A. §23(b)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Commission on International Trade and State Sovereignty for a term of two years:

Senator Galbraith

**Appointment of Senate Members to the Joint Legislative Corrections
Oversight Committee**

Pursuant to the provisions of Sec. 170d of No. 142 of Acts of 2002, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Legislative Corrections Oversight Committee for terms of two years:

Senator Ashe
 Senator Carris
 Senator Hartwell
 Senator Sears
 Senator Snelling

Appointment of Senate Member to Art in State Buildings Advisory Panel

Pursuant to the provisions of 29 V.S.A. §47, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Art in State Buildings Advisory Panel during this biennium:

Senator Campbell

Committees Relieved of Further Consideration; Bills Committed

S. 12.

On motion of Senator Ayer, the Committee on Health and Welfare was relieved of further consideration Senate bill entitled:

An act relating to adding a member from the area agencies on aging to the governor's commission on Alzheimer's disease and related disorders,

Thereupon, pending entry of the bill on the Calendar for notice the next legislative day, on motion of Senator Ayer, the bill was committed to the Committee on Government Operations.

S. 17.

On motion of Senator Ayer, the Committee on Health and Welfare was relieved of further consideration Senate bill entitled:

An act relating to medical marijuana dispensaries,

Thereupon, pending entry of the bill on the Calendar for notice the next legislative day, on motion of Senator Ayer, the bill was committed to the Committee on Government Operations.

Joint Resolution Placed on Calendar

J.R.H. 9.

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution explaining the importance and value of maple syrup and the University of Vermont's Proctor Maple Research Center

Whereas, during the post-election December 2010 congressional session, United States Senator John McCain strongly criticized United States Senator

Patrick Leahy's proposed \$165,000.00 earmark for the Proctor Maple Research Center (PMRC) at the University of Vermont as exemplifying wasteful congressional spending, and

Whereas, although the awarding of dubious federal earmarks has been documented, to select this proposed appropriation as a prime example of wasteful federal spending is completely off the mark, and

Whereas, to the contrary, the PMRC, established in 1946 on the site of the former Harvey Farm in Underhill, which Governor Mortimer Proctor personally donated to the University of Vermont, is exactly the type of academically respected and economically vital organization worthy of federal largesse, and

Whereas, the General Assembly of the State of Vermont, in response to Senator John McCain's assessment of the now scuttled PMRC appropriation, is compelled to explain, with the utmost respect, why the now lost \$165,000.00 grant that Senator Leahy proposed merited the enthusiastic endorsement of United States Senators, including the senior senator from Arizona, and

Whereas, to begin this lesson, it should be noted that 25 percent of all trees in Vermont are maples, thus providing the natural resource foundation for Vermont's proud emergence as the largest producer of maple syrup in the United States, and

Whereas, annually, this production output yields approximately \$15 million in direct sales and has an overall impact on our state's economy in excess of \$226 million, and

Whereas, the Vermont General Assembly has recognized the sugar maple tree as the official state tree (1 V.S.A § 499); and maple from the Vermont sugar maple tree has been similarly recognized as the official state flavor (1 V.S.A § 510), and

Whereas, Vermont was the first state to adopt a comprehensive maple sugar law, and the current version at 6 V.S.A chapter 32 comprehensively addresses the commercial, marketing, and scientific aspects of maple sugaring, and

Whereas, the PMRC has a tripartite mission to conduct maple research, which has resulted in major advances in the field; manage a demonstration maple sugaring operation that serves as a model for commercial maple sugarmakers; and educate producers and the public on the art and science of maple sugarmaking, and

Whereas, no individual, except its faculty and staff, receives direct remuneration from the PMRC, but the Vermont economy benefits enormously from its many accomplishments, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly respectfully concludes this lesson on Vermont Maple Sugarmaking and the University of Vermont's Proctor Maple Research Center for United States Senator John McCain, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to United States Senator John McCain (accompanied by a sample of Vermont Maple Syrup produced at the Proctor Maple Research Center), to the Proctor Maple Research Center, and to the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Bills Introduced

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

S. 32.

By Senator Illuzzi,

An act relating to expanding the issuance of gold star registration plates.

To the Committee on Transportation.

S. 33.

By Senator Hartwell,

An act relating to the development and permitting of hydroelectric projects.

To the Committee on Natural Resources and Energy.

S. 34.

By Senators Lyons, MacDonald and McCormack,

An act relating to the collection and disposal of mercury-containing lamps.

To the Committee on Natural Resources and Energy.

S. 35.

By Senators Lyons and MacDonald,

An act relating to limiting the application of fertilizer to nonagricultural turf.

To the Committee on Natural Resources and Energy.

S. 36.

By Senator Cummings,

An act relating to the surplus lines insurance multi-state compliance compact.

To the Committee on Finance.

S. 37.

By Senators Sears, Benning and Hartwell,

An act relating to expungement of a nonviolent misdemeanor criminal history record.

To the Committee on Judiciary.

S. 38.

By Senator Sears,

An act relating to the Uniform Collateral Consequences of Conviction Act.

To the Committee on Judiciary.

Bills Referred

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

H. 8.

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

To the Committee on Government Operations.

H. 30.

An act relating to requiring the board of governors of the unified towns and gores of Essex County to hear tax appeals.

To the Committee on Government Operations.

H. 81.

An act relating to approval of the adoption and codification of the charters of the town of Danville and the Danville school district.

To the Committee on Government Operations.

Third Reading Ordered**S. 2.**

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to sexual exploitation of a minor and the sex offender registry.

Reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Joint Resolution Adopted in Concurrence**J.R.H. 8.**

Joint House resolution entitled:

Joint resolution honoring women veterans and requesting that state and federal officials work cooperatively to assure that women veterans receive their due recognition and essential support services.

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

Rules Suspended; House Proposal of Amendment Concurred In; Rules Suspended; Bill Messaged**S. 1.**

Appearing on the Calendar for notice, on motion of Senator Sears, the rules were suspended and House proposal of amendment to bill entitled:

An act relating to technical amendments to the judicial restructuring act of 2010.

Was taken up for immediate consideration.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 6, by striking out the following: \$45,701.00 where it twice appears and inserting in lieu thereof the following: “50 percent of the salary of the most highly paid probate judge”

Second: In Sec. 9, 4 V.S.A. § 691, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) With respect to counties where the assistant judges have elected to offer passport processing services, the court administrator and the assistant judges shall enter into a memorandum of understanding providing for the acceptance

and processing of United States passport applications. The memorandum may provide for performance of passport acceptance and processing duties by the court clerk, county clerk, a superior court staff person serving as county clerk pursuant to subsection (b) of this section, or any other court or county employee.

Third: In Sec. 10, 24 V.S.A. § 131, after the word “property,” by striking out the word shall and inserting in lieu thereof the word “may”

Fourth: In Sec. 11, 24 V.S.A. § 184, after the word “shall” by inserting the following: “, if so directed by the assistant judges.”

Fifth: By striking out Sec. 8 in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Thereupon, on motion of Senator Sears, the rules were suspended and the bill was ordered delivered to the Governor forthwith.

Recess

The Chair declares a recess until the fall of the gavel.

Called to Order

The Senate was called to order by the President.

Rules Suspended; Third Reading Ordered; Rules Suspended; Bill Passed in Concurrence; Rules Suspended; Bill Messaged

H. 81.

Pending entry on the Calendar for notice, on motion of Senator White, the rules were suspended and House bill entitled:

An act relating to approval of the adoption and codification of the charters of the town of Danville and the Danville school district.

Was taken up for immediate consideration.

Senator White, for the Committee on Government Operations, to which the bill was referred, reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Thereupon, on motion of Senator White, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

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

Thereupon, on motion of Senator White, the rules were suspended and the bill was ordered messaged to the House forthwith.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 1, 2011, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 12.

TUESDAY, FEBRUARY 1, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Ann Grady of Montpelier.

Pledge of Allegiance

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

Bill Referred to Committee on Appropriations

S. 12.

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to adding a member from the area agencies on aging to the governor's commission on Alzheimer's disease and related disorders.

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 Senator Campbell,

J.R.S. 14. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

Resolved by the Senate and House of Representatives: