

JOURNAL OF THE SENATE
OF THE
STATE OF VERMONT

ADJOURNED SESSION, 2012

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Journal of the Senate of the STATE OF VERMONT ADJOURNED SESSION, 2012

TUESDAY, JANUARY 3, 2012

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

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

Devotional Exercises

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

Pledge of Allegiance

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

Joint Senate Resolutions Adopted on the Part of the Senate

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

By Senator Campbell,

J.R.S. 33. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 5, 2012, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor.

By Senator Campbell,

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

Resolved by the Senate and House of Representatives:

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

By Senator Campbell,

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

Resolved by the Senate and House of Representatives:

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

By Senators Carris and Mullin,

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

Resolved by the Senate and House of Representatives:

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

Joint Resolution Referred

J.R.S. 37.

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

By Senators Pollina and Baruth,

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

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

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

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

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

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

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

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

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

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

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

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

distribution in adulthood than are sons of comparably low-earning American fathers, and

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

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

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

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

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

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

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

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

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

Resolved by the Senate and House of Representatives:

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

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

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing and General Affairs.

Senate Resolutions Adopted

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

By the Committee on Rules,

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

Resolved by the Senate:

That for the adjourned session of the 2011 biennium, beginning with the week of January 3 extending through the week ending February 27, Rule 7 of the Permanent Rules of the Senate is suspended and the following Temporary Rule 7 is adopted:

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

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

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

Resolved by the Senate:

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

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

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

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

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

Senate Resolution Referred

S.R. 12.

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

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

By Senators Pollina and Baruth,

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

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

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

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

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

Resolved by the Senate:

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

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

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

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

**Message from the Governor
Appointments Referred**

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

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

To the Committee on Health and Welfare.

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

To the Committee on Health and Welfare.

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

To the Committee on Natural Resources and Energy.

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

To the Committee on Health and Welfare.

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

To the Committee on Natural Resources and Energy.

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

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

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

To the Committee on Natural Resources and Energy.

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

To the Committee on Natural Resources and Energy.

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

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

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

To the Committee on Health and Welfare.

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

To the Committee on Health and Welfare.

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

To the Committee on Finance.

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

To the Committee on Judiciary.

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

To the Committee on Finance.

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

To the Committee on Natural Resources and Energy.

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

To the Committee on Finance.

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

To the Committee on Government Operations.

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

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

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

To the Committee on Health and Welfare.

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

To the Committee on Health and Welfare.

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

To the Committee on Health and Welfare.

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

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

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

To the Committee on Education.

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

To the Committee on Health and Welfare.

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

To the Committee on Health and Welfare.

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

To the Committee on Health and Welfare.

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

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

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

To the Committee on Health and Welfare.

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

To the Committee on Judiciary.

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

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

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

To the Committee on Natural Resources and Energy.

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

To the Committee on Education.

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

To the Committee on Education.

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

To the Committee on Natural Resources and Energy.

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

To the Committee on Health and Welfare.

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

To the Committee on Natural Resources and Energy.

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

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

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

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

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

To the Committee on Health and Welfare.

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

To the Committee on Judiciary.

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

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

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

To the Committee on Health and Welfare.

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

To the Committee on Finance.

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

To the Committee on Finance.

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

To the Committee on Health and Welfare.

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

To the Committee on Judiciary.

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

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

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

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

Bills Introduced

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

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

S. 112.

By Senator Sears,

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

To the Committee on Judiciary.

S. 113.

By Senators Sears and Mullin,

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

To the Committee on Education.

S. 114.

By Senator White,

An act relating to the size of accessory dwelling units.

To the Committee on Natural Resources and Energy.

S. 115.

By Senator Sears,

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

To the Committee on Judiciary.

S. 116.

By Senator Sears,

An act relating to probate proceedings.

To the Committee on Judiciary.

S. 117.

By Senator Sears,
An act relating to calculation of consecutive sentences.
To the Committee on Judiciary.

S. 118.

By Senator Sears,
An act relating to serving a zero minimum sentence.
To the Committee on Judiciary.

S. 119.

By Senator Illuzzi,
An act relating to the use of inquest proceedings in investigations of suspected juvenile delinquency.
To the Committee on Judiciary.

S. 120.

By Senator White,
An act relating to freedom of expression for students.
To the Committee on Education.

S. 121.

By Senator Baruth,
An act relating to the higher education endowment trust fund.
To the Committee on Education.

S. 122.

By Senator Sears,
An act relating to human trafficking and prostitution.
To the Committee on Judiciary.

S. 123.

By Senator Illuzzi,
An act relating to inspection of jury questionnaires by the attorney of record.
To the Committee on Judiciary.

S. 124.

By Senators Illuzzi, Sears and Doyle,

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

To the Committee on Judiciary.

S. 125.

By Senator White,

An act relating to caterer's permits.

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

S. 126.

By Senator Mullin,

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

To the Committee on Government Operations.

S. 127.

By Senator Illuzzi,

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

To the Committee on Finance.

S. 128.

By Senators Illuzzi and Miller,

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

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

S. 129.

By Senators Illuzzi and Miller,

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

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

S. 130.

By Senator Sears,

An act relating to creating a sustainable prisons pilot program.

To the Committee on Institutions.

S. 131.

By Senator Illuzzi,

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

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

S. 132.

By Senator Illuzzi,

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

To the Committee on Government Operations.

S. 133.

By Senator Illuzzi,

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

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

S. 134.

By Senators Benning and Baruth,

An act relating to penalties for possession of marijuana.

To the Committee on Judiciary.

S. 135.

By Senator Illuzzi,

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

To the Committee on Transportation.

S. 136.

By Senator Illuzzi,

An act relating to vocational rehabilitation.

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

S. 137.

By Senator Illuzzi,

An act relating to workers' compensation and unemployment compensation.

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

S. 138.

By Senators Illuzzi, Sears and Doyle,

An act relating to the record keeping of search warrants.

To the Committee on Judiciary.

S. 139.

By Senators Sears and Illuzzi,

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

To the Committee on Judiciary.

S. 140.

By Senator Galbraith,

An act relating to forest fragmentation.

To the Committee on Natural Resources and Energy.

S. 141.

By Senator Galbraith,

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

To the Committee on Natural Resources and Energy.

S. 142.

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

An act relating to pet merchants.

To the Committee on Government Operations.

S. 143.

By Senator Illuzzi,

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

To the Committee on Natural Resources and Energy.

S. 144.

By Senator Galbraith,

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

To the Committee on Natural Resources and Energy.

S. 145.

By Senator Illuzzi,

An act relating to home inspector licensing and regulation.

To the Committee on Government Operations.

S. 146.

By Senator Galbraith,

An act relating to the definition of independent contractor.

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

S. 147.

By Senators McCormack and White,

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

To the Committee on Finance.

S. 148.

By Senators Illuzzi and Doyle,

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

To the Committee on Natural Resources and Energy.

S. 149.

By Senator Galbraith,

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

To the Committee on Government Operations.

S. 150.

By Senator White,

An act relating to amending lobbyist reporting forms and deadlines.

To the Committee on Government Operations.

S. 151.

By Senator Illuzzi,

An act relating to veterans' grave markers.

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

S. 152.

By Senators Illuzzi and White,

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

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

S. 153.

By Senators Illuzzi and McCormack,

An act relating to the sale of dogs and cats.

To the Committee on Agriculture.

S. 154.

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

S. 155.

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

S. 156.

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

S. 157.

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

S. 158.

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

S. 159.

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

S. 160.

By Senator Doyle,

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

To the Committee on Natural Resources and Energy.

S. 161.

By Senator Illuzzi,

An act relating to workers' compensation insurance.

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

S. 162.

By Senator Flory,

An act relating to powers of attorney.

To the Committee on Judiciary.

S. 163.

By Senator Brock,

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

To the Committee on Health and Welfare.

S. 164.

By Senator Starr,

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

To the Committee on Finance.

S. 165.

By Senator Hartwell,

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

To the Committee on Natural Resources and Energy.

S. 166.

By Senator Brock,

An act relating to environmental and land use permits.

To the Committee on Natural Resources and Energy.

S. 167.

By Senator Illuzzi,

An act relating to possessing stolen property.

To the Committee on Judiciary.

S. 168.

By Senator Illuzzi,

An act relating to sales of vinous beverages.

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

S. 169.

By Senator Illuzzi,

An act relating to workers' compensation liens.

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

S. 170.

By Senator Lyons,

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

To the Committee on Natural Resources and Energy.

S. 171.

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

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

To the Committee on Government Operations.

S. 172.

By Senators Illuzzi and Miller,

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

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

S. 173.

By Senators Miller and Illuzzi,

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

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

S. 174.

By Senators Miller and Illuzzi,

An act relating to establishing the better tomorrow bond program.

To the Committee on Natural Resources and Energy.

S. 175.

By Senator Illuzzi,

An act relating to failing to mediate in good faith.

To the Committee on Judiciary.

S. 176.

By Senators Illuzzi and White,

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

To the Committee on Natural Resources and Energy.

S. 177.

By Senator Brock,

An act relating to fraudulent government claims.

To the Committee on Judiciary.

S. 178.

By Senator Illuzzi,

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

To the Committee on Judiciary.

S. 179.

By Senator Hartwell,

An act relating to amending perpetual conservation easements.

To the Committee on Natural Resources and Energy.

S. 180.

By Senator Illuzzi,

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

To the Committee on Finance.

S. 181.

By Senator Sears,

An act relating to school resource officers.

To the Committee on Education.

S. 182.

By Senator Lyons,

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

To the Committee on Natural Resources and Energy.

S. 183.

By Senator Lyons,

An act relating to the testing of potable water supplies.

To the Committee on Natural Resources and Energy.

S. 184.

By Senator Lyons,

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

To the Committee on Natural Resources and Energy.

S. 185.

By Senator Lyons,

An act relating to establishing a water resources preservation program.

To the Committee on Natural Resources and Energy.

S. 186.

By Senator Mullin,

An act relating to the sale of vinous beverages.

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

S. 187.

By Senator Mullin,

An act relating to Vermont wine.

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

S. 188.

By Senator Mullin,

An act relating to fortified wine.

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

S. 189.

By Senator Sears,

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

To the Committee on Judiciary.

S. 190.

By Senators Miller and Mullin,

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

To the Committee on Health and Welfare.

S. 191.

By Senators Miller and Mullin,

An act relating to rational treatment of chronic pain.

To the Committee on Health and Welfare.

S. 192.

By Senator Westman,

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

To the Committee on Education.

S. 193.

By Senator Mullin,

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

To the Committee on Education.

S. 194.

By Senator Mullin,

An act relating to consolidation of supervisory unions.

To the Committee on Education.

S. 195.

By Senators Pollina and Lyons,

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

To the Committee on Natural Resources and Energy.

S. 196.

By Senators Snelling, Illuzzi and Miller,

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

To the Committee on Finance.

S. 197.

By Senator Mullin,

An act relating to hospital-based outpatient fees.

To the Committee on Health and Welfare.

S. 198.

By Senator Mullin,

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

To the Committee on Health and Welfare.

S. 199.

By Senator Mullin,

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

To the Committee on Health and Welfare.

S. 200.

By Senators Pollina, Doyle and Illuzzi,

An act relating to the reporting requirements of health insurers.

To the Committee on Health and Welfare.

S. 201.

By Senator Mullin,

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

To the Committee on Education.

S. 202.

By Senator Lyons,

An act relating to regulation of flood hazard areas.

To the Committee on Natural Resources and Energy.

S. 203.

By Senator Sears,

An act relating to child support enforcement.

To the Committee on Judiciary.

S. 204.

By Senators Pollina and Lyons,

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

To the Committee on Finance.

S. 205.

By Senator Hartwell,

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

To the Committee on Finance.

S. 206.

By Senator Miller,

An act relating to the issuance of registered warrants.

To the Committee on Finance.

S. 207.

By Senators Miller and Mullin,

An act relating to preconditions for Green Mountain Care implementation.

To the Committee on Health and Welfare.

S. 208.

By Senators Illuzzi and Miller,

An act relating to the Vermont health benefit exchange.

To the Committee on Health and Welfare.

S. 209.

By Senators Miller and Snelling,

An act relating to naturopathic physicians.

To the Committee on Health and Welfare.

S. 210.

By Senators Miller and Snelling,

An act relating to licensed midwives and certified nurse midwives.

To the Committee on Health and Welfare.

S. 211.

By Senator Lyons,

An act relating to securing propane tanks in natural disasters.

To the Committee on Natural Resources and Energy.

S. 212.

By Senator Hartwell,

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

To the Committee on Government Operations.

S. 213.

By Senator Illuzzi,

An act relating to the Vermont training program.

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

S. 214.

By Senator Hartwell,

An act relating to customer rights regarding smart meters.

To the Committee on Finance.

S. 215.

By Senator Pollina,

An act relating to evaluating net costs of government purchasing.

To the Committee on Government Operations.

S. 216.

By Senator Cummings,

An act relating to separate entities within home health agencies.

To the Committee on Health and Welfare.

S. 217.

By Senator Miller,

An act relating to closely held benefit corporations.

To the Committee on Finance.

S. 218.

By Senator Kittell,

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

To the Committee on Education.

S. 219.

By Senator Mullin,

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

To the Committee on Education.

S. 220.

By Senator Ashe,

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

To the Committee on Natural Resources and Energy.

S. 221.

By Senators Fox and Mullin,

An act relating to cost-sharing for prescription drugs.

To the Committee on Health and Welfare.

S. 222.

By Senators Fox and Mullin,

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

To the Committee on Health and Welfare.

S. 223.

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

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

To the Committee on Health and Welfare.

S. 224.

By Senator Snelling,

An act relating to resolving lien disputes prior to foreclosure.

To the Committee on Judiciary.

S. 225.

By Senator Nitka,

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

To the Committee on Judiciary.

S. 226.

By Senators Doyle and Sears,

An act relating to prohibiting synthetic stimulants.

To the Committee on Judiciary.

S. 227.

By Senator Giard,

An act relating to Vermont wine.

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

S. 228.

By Senator Illuzzi,

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

To the Committee on Government Operations.

S. 229.

By Senator Illuzzi,

An act relating to utility bill payments.

To the Committee on Finance.

S. 230.

By Senator Cummings,

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

To the Committee on Finance.

S. 231.

By Senator Nitka,

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

To the Committee on Finance.

S. 232.

By Senator Kittell,

An act relating to administration and inspection of agricultural operations.

To the Committee on Agriculture.

S. 233.

By Senators Nitka and Starr,

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

To the Committee on Education.

S. 234.

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

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

To the Committee on Government Operations.

S. 235.

By Senators Fox, Ashe and Lyons,

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

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

S. 236.

By Senator Kittell,

An act relating to health care practitioner signature authority.

To the Committee on Health and Welfare.

S. 237.

By Senators Pollina, McCormack and White,

An act relating to the genuine progress indicator.

To the Committee on Government Operations.

S. 238.

By Senator White,

An act relating to establishing the Vermont farm guest worker program.

To the Committee on Agriculture.

S. 239.

By Senator Giard,

An act relating to ensuring the humane treatment and slaughter of animals.

To the Committee on Agriculture.

S. 240.

By Senators Illuzzi and McCormack,

An act relating to recovering noneconomic damages for intentionally or recklessly causing the death of a domestic pet.

To the Committee on Judiciary.

S. 241.

By Senator Baruth,

An act relating to protecting reader privacy.

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

S. 242.

By Senators Sears and Doyle,

An act relating to prescribing a controlled substance.

To the Committee on Health and Welfare.

S. 243.

By Senator Illuzzi,

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

To the Committee on Judiciary.

S. 244.

By Senator Sears,

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

To the Committee on Judiciary.

S. 245.

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

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

To the Committee on Education.

S. 246.

By Senators Kittell, Campbell and Illuzzi,

An act relating to preserving Vermont's working landscape.

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

S. 247.

By Senator Lyons,

An act relating to establishing the Vermont green trust.

To the Committee on Natural Resources and Energy.

Proposed Amendments to the Constitution Introduced

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

Senators Galbraith and Benning,

PROPOSAL 4

Sec. 1. PURPOSE

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

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

Article 22. [RIGHT TO PRIVACY]

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

Sec. 3. EFFECTIVE DATE

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

To the Committee on Judiciary.

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

Senators Doyle and White,

PROPOSAL 5

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide for election of the Governor, Lieutenant-Governor, and Treasurer by plurality vote, provided the candidate receive at least 40 percent of the votes

cast. If no candidate receives at least 40 percent of the votes, then a runoff election between the two candidates receiving the greatest number of votes cast shall be held on the first Tuesday in December to determine the winner.

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

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

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

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

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

Sec. 3. EFFECTIVE DATE

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

To the Committee on Government Operations.

Governor's Veto Sustained

Senate Bill entitled:

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

Was taken up.

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

Roll Call

Those Senators who voted in the affirmative were: Baruth.

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

The Senator absent and not voting was: Illuzzi.

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

Senator Campbell called up House bill entitled:

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

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

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

Appointment of Senate Members to Reapportionment Committee

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

Senator White, Chair
Senator Sears, Vice-chair
Senator Doyle

Senator McCormack
Senator Illuzzi
Senator Ashe
Senator Flory

Adjournment

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

THURSDAY, JANUARY 5, 2012

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

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:

The House has considered joint resolutions originating in the Senate of the following titles:

J.R.S. 33. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

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

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

And has adopted the same in concurrence.

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. 33. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from 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 assumed the Chair.

Committee Relieved of Further Consideration; Bill Committed

S. 227.

On motion of Senator Illuzzi, the Committee on Economic Development, Housing and General Affairs was relieved of further consideration of Senate bill entitled:

An act relating to Vermont wine,
and the bill was committed to the Committee on Agriculture.

Committee Relieved of Further Consideration; Bill Committed

S. 246.

On motion of Senator Illuzzi, the Committee on Economic Development, Housing and General Affairs was relieved of further consideration of Senate bill entitled:

An act relating to preserving Vermont's working landscape,
and the bill was committed to the Committee on Agriculture.

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 passed a House bill of the following title:

H. 461. An act relating to the reimbursement of statewide education property taxes that were abated due to flood damage.

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

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

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

And has adopted the same in concurrence.

The House has considered Senate proposal of amendment to Senate bill of the following title:

S. 92. An act relating to the protection of students' health by requiring the use of safe cleaning products in schools.

And has severally concurred therein with a further proposal of amendment thereto, 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 10, 2012, at nine in the forenoon pursuant to J.R.S. 36.

TUESDAY, JANUARY 10, 2012

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.

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 adopted House concurrent resolutions of the following titles:

H.C.R. 204. House concurrent resolution recognizing January 4, 2012 as Homelessness Day at the State House.

H.C.R. 205. House concurrent resolution in memory of the former Dean of the House Representative John Francis Murphy of Ludlow.

H.C.R. 206. House concurrent resolution congratulating the 2011 Peoples Academy Wolves Division III championship girls' soccer team.

H.C.R. 207. House concurrent resolution congratulating the 2011 Peoples Academy Division III championship boys' soccer team.

H.C.R. 208. House concurrent resolution in memory of former Speaker of the House and Vermont statesman Richard Walker Mallery of Brookfield.

H.C.R. 209. House concurrent resolution honoring Kathy Boyden for her 40 years of exemplary public service in the town of Williston.

H.C.R. 210. House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks' second consecutive New England championship girls' cross-country team.

H.C.R. 211. House concurrent resolution in memory of former Representative Mark Mitchell of Barnard.

H.C.R. 212. House concurrent resolution congratulating the 2011 Missisquoi Valley Union High School Division III field hockey team.

H.C.R. 213. House concurrent resolution congratulating the 2011 Missisquoi Valley Union High School Division II championship baseball team.

H.C.R. 214. House concurrent resolution congratulating the 2011 Middlebury Union High School Tigers Division I championship field hockey team.

H.C.R. 215. House concurrent resolution honoring the Franklin County Industrial Development Corporation on its 40th anniversary.

H.C.R. 216. House concurrent resolution honoring Barbara Brayton for her laudable leadership of the Northfield Senior Center.

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

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. 38. Joint resolution weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday, January 12, 2012, or, Friday, January 13, 2012, it be to meet again no later than Tuesday, January 17, 2012.

Bill Introduced

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

S. 248.

By Senator McCormack,

An act relating to law enforcement officer licensing and regulation.

To the Committee on Judiciary.

Committee Bill Introduced; Rules Suspended; Bill Committed

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 249.

By the Committee on Transportation,

An act relating to Vermont Strong commemorative motor vehicle plates.

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

Thereupon, pending second reading of the bill, on motion of Senator Campbell, the bill was committed to the Committee on Finance.

Recess

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

Called to Order

The Senate was called to order by the President.

Committee Relieved of Further Consideration; Bill Committed**H. 258.**

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to public participation in environmental enforcement proceedings,

and the bill was committed to the Committee on Natural Resources and Energy.

Bill Referred

House bill of the following title was read the first time and referred:

H. 461.

An act relating to the reimbursement of statewide education property taxes that were abated due to flood damage.

To the Committee on Finance.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Thursday, January 12, 2012.

THURSDAY, JANUARY 12, 2012

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

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. 38. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bill Referred to Committee on Appropriations

House 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:

H. 461.

An act relating to the reimbursement of statewide education property taxes that were abated due to flood damage.

House Concurrent Resolution Adopted

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

Offered by: All Members of the House,

Offered by: All Members of the Senate,

H.C.R. 232. House concurrent resolution honoring House Calendar Clerk Jean Jasman.

Whereas, Jean Jasman was born in Barre and graduated from the former Waterbury High School, and

Whereas, her initial General Assembly employment began in 1966 on the legislative council staff, she then became the secretary to Development Department Director Al Moulton in the Hoff administration and subsequently worked as a bookkeeper at radio station WDEV in her native Waterbury, and

Whereas, from 1972 to 1973, she served as the Waterbury town clerk, and this local government experience stood her in good stead when she became the administrative assistant to Speaker Timothy J. O'Connor in the late 1970s, and

Whereas, in this new capacity, Jean Jasman assisted the Speaker in organizing the operation of his office and assuring that his schedule resembled at least a modicum of order, and

Whereas, upon leaving the Speaker's office, Jean Jasman became more directly involved in the parliamentary order of the House as she assumed the position of calendar clerk and was responsible for preparing the daily calendar, the primary document upon which floor deliberations are based, and

Whereas, Jean Jasman often worked far into the night to assure that the next day's calendar was ready for the members' consideration, and she witnessed a technological metamorphosis in its delivery and printing from handing the copy to an individual who drove the pages to an off-site printer to the calendar's electronic transmission, at first at a turtle's pace, and ultimately instantaneously, both to the traditional paper printing press and the General Assembly's website, and

Whereas, while a person of good humor who enjoyed conversing with the members, Jean Jasman was not beyond issuing a friendly scolding when a member brought in a floor amendment far later than it was due, and

Whereas, on occasion, she would appear in the well of the House to assist in the taking of the roll, and

Whereas, Jean Jasman was closely associated with the House of Representatives, and her decision to retire and not return for the 2012 session will leave a void in our legislative community, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors House Calendar Clerk Jean Jasman and extends to her fond wishes for the years ahead, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Jean Jasman in Montpelier.

**House Proposals of Amendment to Senate Proposal of Amendment to
House Proposal of Amendment Concurred In**

S. 92.

House proposals of amendment to Senate proposal of amendment to House proposal of amendment to Senate bill entitled:

An act relating to the protection of students' health by requiring the use of safe cleaning products in schools.

Were taken up.

The House concurs in the Senate proposal of amendment to the House proposal of amendment with further amendment thereto as follows:

First: In Sec. 2 (Transition), subdivision (1), by striking out both references to the following: "2011" and inserting in lieu thereof the following: "2012"

Second: In Sec. 2, subdivision (2), by striking out both references to the following: "2012" and inserting in lieu thereof the following: "2013"

Third: In Sec. 4 (Effective Date), by striking out the following: "2011" and inserting in lieu thereof the following: "2012"

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

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. 34. 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 forty-five minutes in the afternoon, the President assumed the Chair.

Remarks Journalized

Rising on a point of personal privilege, Senator MacDonald addressed the Chair, and on motion of Senator McCormack, his remarks were ordered entered in the Journal, and are as follows:

"Mr. President:

"This last week the citizens of Orange County have mourned the loss of two towering personalities, two best friends and two former members of this

legislature. As I speak these words today, the celebration of Kermit Richardson's life is taking place. Harvey "Bud" Otterman's services were on Saturday.

“Kermit was born and grew up in East Orange. One of his experiences was to travel to Washington, D.C. to head the National Grange.

“Bud was born and raised in Washington, immigrated to East Orange to pursue his life’s work. Both dedicated decades to community service and to the citizens of Vermont.

“More than just a few friends, family, and neighbors have remarked that these last few days these two good friends Kermit and “Bud” would not have objected to having together, left us at the same time.”

Senate Concurrent Resolutions

The following joint concurrent resolutions, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were adopted on the part of the Senate:

By Senators Doyle, Cummings and Pollina,
By Representatives Donahue and Grad,

S.C.R. 25.

Senate concurrent resolution honoring the historic preservation efforts of the Northfield Historical Society Cemetery Project.

By Senators Flory, Carris, Mullin and Nitka,
By Representative Andrews and others,

S.C.R. 26.

Senate concurrent resolution recognizing the dedicated public service and career accomplishments of retired Rutland City Police Chief Anthony Bossi.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were adopted in concurrence:

By Representative Head,

H.C.R. 204.

House concurrent resolution recognizing January 4, 2012 as Homelessness Day at the State House.

By All Members of the House,

By All Members of the Senate,

H.C.R. 205.

House concurrent resolution in memory of the former Dean of the House Representative John Francis Murphy of Ludlow.

By Representative Smith and others,

By Senator Westman,

H.C.R. 206.

House concurrent resolution congratulating the 2011 Peoples Academy Wolves Division III championship girls' soccer team.

By Representative Smith and others,

By Senator Westman,

H.C.R. 207.

House concurrent resolution congratulating the 2011 Peoples Academy Division III championship boys' soccer team.

By All Members of the House,

By All Members of the Senate,

H.C.R. 208.

House concurrent resolution in memory of former Speaker of the House and Vermont statesman Richard Walker Mallary of Brookfield.

By Representatives Macaig and McCullough,

By Senator Lyons,

H.C.R. 209.

House concurrent resolution honoring Kathy Boyden for her 40 years of exemplary public service in the town of Williston.

By Representative Lenex and others,

By Senators Lyons and Snelling,

H.C.R. 210.

House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks' second consecutive New England championship girls' cross-country team.

By All Members of the House,

H.C.R. 211.

House concurrent resolution in memory of former Representative Mark Mitchell of Barnard.

By Representative Savage and others,

By Senators Brock and Kittell,

H.C.R. 212.

House concurrent resolution congratulating the 2011 Missisquoi Valley Union High School Division III field hockey team.

By Representative Savage and others,

By Senators Brock and Kittell,

H.C.R. 213.

House concurrent resolution congratulating the 2011 Missisquoi Valley Union High School Division II championship baseball team.

By Representative Nuovo and others,

By Senators Ayer and Giard,

H.C.R. 214.

House concurrent resolution congratulating the 2011 Middlebury Union High School Tigers Division I championship field hockey team.

By Representative Dickinson and others,

By Senators Brock and Kittell,

H.C.R. 215.

House concurrent resolution honoring the Franklin County Industrial Development Corporation on its 40th anniversary.

By Representatives Donahue and Grad,

H.C.R. 216.

House concurrent resolution honoring Barbara Brayton for her laudable leadership of the Northfield Senior Center.

Adjournment

Senator Campbell, moved that the Senate adjourn, to reconvene on Tuesday, January 17, 2012, at nine o'clock in the forenoon pursuant to J.R.S. 38.

Thereupon, pending the question, Shall the Senate adjourn until Tuesday, January 17, 2012 at nine o'clock in the forenoon?, Senator Sears moved that the motion be amended by striking out the following: "nine o'clock" and inserting in lieu thereof the following: nine o'clock and thirty minutes

Which was disagreed to.

Thereupon, the Senate adjourned, to reconvene on Tuesday, January 17, 2012, at nine o'clock in the forenoon pursuant to J.R.S. 38.

TUESDAY, JANUARY 17, 2012

The Senate was called to order by the President.

Devotional Exercises

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

Pledge of Allegiance

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

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. 217. House concurrent resolution in memory of United States Marine Corporal Ian M. Muller of Danville.

H.C.R. 218. House concurrent resolution congratulating the 2011 Hartford High School Hurricanes Division I championship football team.

H.C.R. 219. House concurrent resolution congratulating Bruce Garrow on being named the 2011 Henry Giauque Vermont Elementary Principal of the Year.

H.C.R. 220. House concurrent resolution congratulating the 2011 Fair Haven Union High School Slaters Division II championship football team.

H.C.R. 221. House concurrent resolution congratulating the 2011 Milton High School Yellowjackets Division II girls' soccer championship team.

H.C.R. 222. House concurrent resolution congratulating Grafton Elementary School students on winning a Governor's Award for Environmental Excellence.

H.C.R. 223. House concurrent resolution congratulating Ann Thompson of Cavendish on her winning a Presidential Award for Excellence in Mathematics and Science Teaching.

H.C.R. 224. House concurrent resolution honoring Vermont Public Radio's Vermont Edition for its extraordinary community service in the aftermath of Tropical Storm Irene.

H.C.R. 225. House concurrent resolution congratulating the 2011 Woodstock Union High School Wasps Division III championship football team.

H.C.R. 226. House concurrent resolution congratulating Edward Webbley on his selection as the 2011 Vermont Principals' Association's Robert F. Pierce Vermont Secondary Principal of the Year.

H.C.R. 227. House concurrent resolution congratulating Essex High School teacher Maria Ung on her receipt of a Milken Family Foundation National Education Award.

H.C.R. 228. House concurrent resolution honoring outstanding recently retired employees of the Northfield public school system.

H.C.R. 229. House concurrent resolution in memory of former Representative Rene L. Blanchard of Essex.

H.C.R. 230. House concurrent resolution congratulating the 2011 recipients of the Vermont Truck & Bus Association Master Truck Driver certification.

H.C.R. 231. House concurrent resolution expressing sympathy and good wishes to Lieutenant Governor Phil Scott on the fire that severely damaged DuBois Construction Inc.

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

Committee Relieved of Further Consideration; Bill Committed

S. 248.

On motion of Senator Sears, the Committee on Judiciary was relieved of further consideration of Senate bill entitled:

An act relating to law enforcement officer licensing and regulation,
and the bill was committed 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. 39. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday, January 19, 2012, or, Friday, January 20, 2012, it be to meet again no later than Tuesday, January 24, 2012.

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

H. 461.

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

An act relating to the reimbursement of statewide education property taxes that were abated due to flood damage.

Was taken up for immediate consideration.

Senator MacDonald, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass in concurrence.

Senator Kitchel, for the Committee on Appropriations, 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 on a roll call, Yeas 23, Nays 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Ashe, Baruth, Doyle, Galbraith, Illuzzi, Snelling, Westman.

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

Committee of the Whole

On motion of Senator Campbell the Senate resolved itself into a Committee of the Whole to discuss the impacts and devastation of Hurricane Irene.

Thereupon, the President appointed Senator Campbell as Chair of the Committee of the Whole, and the Committee proceeded to the consideration of its business.

Thereupon, Senator Carris moved that the Committee of the Whole rise and report, which was agreed to.

Thereupon, the President resumed the Chair.

Thereupon, Senator Campbell, on behalf of the Committee of the Whole, reported progress.

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 passed House bills of the following titles:

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

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

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

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

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Thursday, January 19, 2012.

THURSDAY, JANUARY 19, 2012

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

Devotional Exercises

Devotional exercises were conducted by the Reverend Lisa Ramson of Barre.

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 passed a House bill of the following title:

H. 503. An act relating to eliminating the ability of the sergeant at arms to employ a traffic control officer and requiring the certification of capitol police officers.

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

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

J.R.S. 39. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bills Referred

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

H. 493.

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

To the Committee on Government Operations.

H. 503.

An act relating to eliminating the ability of the sergeant at arms to employ a traffic control officer and requiring the certification of capitol police officers.

To the Committee on Judiciary.

H. 505.

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

To the Committee on Finance.

H. 515.

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

To the Committee on Government Operations.

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

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

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

Goberille, Alfred J. of Shelburne – Member of the Green Mountain Care Board – October 1, 2011, to September 30, 2015.

Wallack, Anya. of Montpelier – Chair of the Green Mountain Care Board – October 1, 2011, to September 30, 2018.

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

Grandquist, Deborah of Weston – Member of the Board of Libraries – May 26, 2011, to February 28, 2014.

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

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

Senate Concurrent Resolutions

The following joint concurrent resolutions, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were adopted on the part of the Senate:

By Senators Kitchel, Benning, Doyle, Illuzzi, Mazza and Starr,
By Representative Crawford and others,

S.C.R. 27.

Senate concurrent resolution in memory of former Representative John H. Downs.

By Senators Doyle, Cummings and Pollina,
By Representatives Hooper and Kitzmiller,

S.C.R. 28.

Senate concurrent resolution celebrating the centennial anniversary of Montpelier City Hall.

By Senators Westman, Doyle, Cummings, Nitka and Pollina,
By Representative Woodward and others,

S.C.R. 29.

Senate concurrent resolution congratulating the 2011 Johnson State College national Division IV championship women's rugby team.

By Senators Doyle, Cummings and Pollina,
By Representatives Hooper and Kitzmiller,

S.C.R. 30.

Senate concurrent resolution recognizing the contribution of Kenric A. Kite to the development of public access television in central Vermont.

By Senators Mullin, Carris, Flory and Nitka,
By Representative Acinapura and others,

S.C.R. 31.

Senate concurrent resolution honoring Dr. Frank G. Miglorie for his 41 years of service to and outstanding 28-year tenure as President of the College of St. Joseph.

By Senators Illuzzi, Galbraith and White,
By Representative Burke and others,

S.C.R. 32.

Senate concurrent resolution honoring the public service work of Brattleboro radio station WTSA during Tropical Storm Irene.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were adopted in concurrence:

By All Members of the House,

By All Members of the Senate,

H.C.R. 217.

House concurrent resolution in memory of United States Marine Corporal Ian M. Muller of Danville.

By Representative Bohi and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 218.

House concurrent resolution congratulating the 2011 Hartford High School Hurricanes Division I championship football team.

By Representative Marek and others,

H.C.R. 219.

House concurrent resolution congratulating Bruce Garrow on being named the 2011 Henry Giauque Vermont Elementary Principal of the Year.

By Representative Canfield and others,

By Senators Ayer, Carris, Flory, Giard and Mullin,

H.C.R. 220.

House concurrent resolution congratulating the 2011 Fair Haven Union High School Slaters Division II championship football team.

By Representative Turner and others,

H.C.R. 221.

House concurrent resolution congratulating the 2011 Milton High School Yellowjackets Division II girls' soccer championship team.

By Representatives Partridge and Trieber,

H.C.R. 222.

House concurrent resolution congratulating Grafton Elementary School students on winning a Governor's Award for Environmental Excellence.

By Representatives Shand and Dakin,
By Senators Campbell, McCormack and Nitka,

H.C.R. 223.

House concurrent resolution congratulating Ann Thompson of Cavendish on her winning a Presidential Award for Excellence in Mathematics and Science Teaching.

By Representative Masland and others,

H.C.R. 224.

House concurrent resolution honoring Vermont Public Radio's Vermont Edition for its extraordinary community service in the aftermath of Tropical Storm Irene.

By Representative Clarkson and others,
By Senators Campbell, McCormack and Nitka,

H.C.R. 225.

House concurrent resolution congratulating the 2011 Woodstock Union High School Wasps Division III championship football team.

By Representatives Clark and Lanpher,
By Senators Ayer and Giard,

H.C.R. 226.

House concurrent resolution congratulating Edward Webbley on his selection as the 2011 Vermont Principals' Association's Robert F. Pierce Vermont Secondary Principal of the Year.

By Representative Myers and others,

H.C.R. 227.

House concurrent resolution congratulating Essex High School teacher Maria Ung on her receipt of a Milken Family Foundation National Education Award.

By Representatives Donahue and Grad,

H.C.R. 228.

House concurrent resolution honoring outstanding recently retired employees of the Northfield public school system.

By Representative Evans and others,

H.C.R. 229.

House concurrent resolution in memory of former Representative Rene L. Blanchard of Essex.

By Representatives Smith and Brennan,

H.C.R. 230.

House concurrent resolution congratulating the 2011 recipients of the Vermont Truck & Bus Association Master Truck Driver certification.

By All Members of the House,

By All Members of the Senate,

H.C.R. 231.

House concurrent resolution expressing sympathy and good wishes to Lieutenant Governor Phil Scott on the fire that severely damaged DuBois Construction Inc.

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. 20. Joint resolution authorizing 2012 Green Mountain Boys' State to conduct a civic education program at the State House.

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

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, January 24, 2012, at nine o'clock in the forenoon pursuant to J.R.S. 39.

TUESDAY, JANUARY 24, 2012

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

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

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. 558. An act relating to fiscal year 2012 budget adjustment.

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

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

H.C.R. 232. House concurrent resolution honoring House Calendar Clerk Jean Jasman.

H.C.R. 233. House concurrent resolution in memory of former Vermont State Poet Ruth Stone of Goshen.

H.C.R. 234. House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks Division I championship girls' soccer team.

H.C.R. 235. House concurrent resolution honoring Jan Sotirakis of Pittsford for her extraordinary public service following Tropical Storm Irene.

H.C.R. 236. House concurrent resolution thanking Neale Lunderville for his leadership of Vermont's post-Irene recovery effort.

H.C.R. 237. House concurrent resolution congratulating Stratton Mountain Ski Resort on its golden anniversary.

H.C.R. 238. House concurrent resolution honoring James T. Day for his outstanding four-decade career in public education.

H.C.R. 239. House concurrent resolution wishing a very happy and joyous 90th birthday to the member from Burlington, Representative William Aswad.

H.C.R. 240. House concurrent resolution congratulating Barbara Brody on winning a national Teacher of the Year Award for Dedication and Excellence as a Driver Educator.

H.C.R. 241. House concurrent resolution congratulating the 2011 Harwood Union High School Highlanders boys' and girls' cross-country teams on winning their respective Division II state championships.

H.C.R. 242. House concurrent resolution congratulating the 2011 Harwood Union High School Highlanders Division II field hockey team.

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

The House has considered concurrent resolutions originating in the Senate of the following titles:

S.C.R. 25. Senate concurrent resolution honoring the historic preservation efforts of the Northfield Historical Society Cemetery Project.

S.C.R. 26. Senate concurrent resolution recognizing the dedicated public service and career accomplishments of retired Rutland City Police Chief Anthony Bossi.

And has adopted the same in concurrence.

Senate Resolution Adopted

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

By Senators Fox, Miller, Ashe, Ayer, Baruth, Benning, Galbraith, Giard, Hartwell, Lyons, MacDonald, McCormack, Pollina, Snelling and White,

S.R. 13. Senate resolution commemorating the 39th 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.

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. 40. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday, January 26, 2012, or, Friday, January 27, 2012, it be to meet again no later than Tuesday, January 31, 2012.

Joint Resolution Placed on Calendar

J.R.H. 20.

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

Joint resolution authorizing 2012 Green Mountain Boys' State to conduct a civic education program at the State House.

Whereas, for many years, the Vermont American Legion has sponsored the annual Green Mountain Boys' State (Boys' State) civic education program, and

Whereas, Boys' State enables young men in high school to gain a firsthand experience and understanding of state government's procedures in all three branches of government, and

Whereas, a highlight of Boys' State is the day at the State House, featuring mock legislative committee meetings and chamber debate on proposed bills that focus on leading public policy issues, and students shadow senior officials in the executive and judicial branches, and

Whereas, legislative staff have offered their professional support services, helping the students gain a better appreciation of Vermont's legislative process, and

Whereas, in 2012, Boys' State is scheduled to convene at the State House on June 21, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes Green Mountain Boys' State to use the House and Senate chambers and the legislative committee meeting rooms on Thursday, June 21, 2012, and be it further

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

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

Bill Referred

House bill of the following title was read the first time and referred:

H. 558. An act relating to fiscal year 2012 budget adjustment.

To the Committee on Appropriations.

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

H. 493.

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

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

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 until one o'clock and thirty minutes in the afternoon on Wednesday, January 25, 2012.

WEDNESDAY, JANUARY 25, 2012

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the Governor

A message was received from His Excellency, the Governor, by Alexandra McLean, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the 24th day of January, 2012 he approved and signed a bill originating in the Senate of the following title:

S. 92. An act relating to the protection of students' health by requiring the use of safe cleaning products in schools.

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 adopted joint resolution of the following title:

J.R.H. 21. Joint resolution supporting the establishment of the National Women's History Museum in Washington, D.C.

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

Bill Referred to Committee on Appropriations

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:

S. 249.

An act relating to Vermont Strong commemorative motor vehicle plates.

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 adopted on the part of the Senate:

By Senators Kitchel and Benning,

By Representative Leriche and others,

S.C.R. 33.

Senate concurrent resolution congratulating Rick Cochran of Walden on being named the Vermont and National Small Business Person of the Year.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were adopted in concurrence:

By Representative Jewett,

H.C.R. 233.

House concurrent resolution in memory of former Vermont State Poet Ruth Stone of Goshen.

By Representative Lenex and others,

By Senators Lyons and Snelling,

H.C.R. 234.

House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks Division I championship girls' soccer team.

By Representative Eckhardt and others,

By Senator Flory,

H.C.R. 235.

House concurrent resolution honoring Jan Sotirakis of Pittsford for her extraordinary public service following Tropical Storm Irene.

By Representative Hubert and others,

H.C.R. 236.

House concurrent resolution thanking Neale Lunderville for his leadership of Vermont's post-Irene recovery effort.

By Representative Olsen and others,

H.C.R. 237.

House concurrent resolution congratulating Stratton Mountain Ski Resort on its golden anniversary.

By Representative Stuart and others,

By Senators Galbraith and White,

H.C.R. 238.

House concurrent resolution honoring James T. Day for his outstanding four-decade career in public education.

By House Committee on Transportation,

H.C.R. 239.

House concurrent resolution wishing a very happy and joyous 90th birthday to the member from Burlington, Representative William Aswad.

By Representative Wizowaty and others,

H.C.R. 240.

House concurrent resolution congratulating Barbara Brody on winning a national Teacher of the Year Award for Dedication and Excellence as a Driver Educator.

By Representatives Stevens and Ellis,
By Senators Cummings, Doyle and Pollina,

H.C.R. 241.

House concurrent resolution congratulating the 2011 Harwood Union High School Highlanders boys' and girls' cross-country teams on winning their respective Division II state championships.

By Representatives Stevens and Ellis,
By Senators Cummings, Doyle and Pollina,

H.C.R. 242.

House concurrent resolution congratulating the 2011 Harwood Union High School Highlanders Division II field hockey team.

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 passed a House bill of the following title:

H. 507. An act relating to authorizing the city of Burlington to issue in fiscal year 2013 the school bond approved in 2009.

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

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

J.R.S. 40. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Thursday, January 26, 2012.

THURSDAY, JANUARY 26, 2012

The Senate was called to order by the President.

Devotional Exercises

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

Bill Introduced

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

S. 250.

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

An act relating to declaring state sales tax holidays on August 28, 2012, on weatherization products purchased between August 26 and September 1, 2012, and on mobile homes purchased between August 28, 2011 and June 30, 2012.

To the Committee on Finance.

Senate Resolution Placed on Calendar**S.R. 14.**

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

By Senators Pollina, Doyle and Cummings,

S.R. 14. Senate resolution urging Vermonters to respect personal privacy in the dissemination of information heard on a public safety scanning receiver.

Whereas, it is not uncommon for individuals to own scanning receivers designed to monitor the transmissions of public safety agencies, and

Whereas, via the scanners, Vermonters listen to public safety transmissions for informational and hobbyist purposes, and

Whereas, public safety officials will on occasion broadcast information on scanner frequencies relating to the death or serious injury of an individual, be it due to natural causes or violent action, and

Whereas, although 13 V.S.A. § 3014 prohibits the use of information derived from a scanner transmission for criminal purposes, Vermont law is silent on the use of this information for noncriminal purposes, and

Whereas, the federal Electronic Privacy Act, codified as 18 U.S.C. § 2511, prohibits intercepting electronic transmissions by wire or radio, but the mere repetition of information heard on a scanner for noncriminal purposes does not appear to violate the act, and

Whereas, the officials broadcasting this highly personal information are often announcing its existence for the first time prior to the notification of next of kin, and

Whereas, public safety organizations and the military, in reporting events and incidents involving serious injury or death, typically delay releasing the names of persons injured or deceased until next of kin are duly notified, and

Whereas, an unofficial release of names of injured or deceased individuals, either to family members or the public, based on information derived from a public safety scanner transmission may cause great personal distress for the next of kin who have yet to receive official notification from public safety officials, and

Whereas, the benefit the public derives from the use of police scanners depends on Vermonters upholding their responsibility to use any information so derived in a responsible and respectful way that honors the privacy of persons connected to the information, and

Whereas, a real-life example of the tragic consequences that can flow from third-party release of police scanner-transmitted information occurred on September 21, 2011, when Kendra Downen, residing out of state, learned from an acquaintance's text message of her father's sudden and unexpected death in Middlesex, and

Whereas, the message was triggered when a local merchant, who heard the information on a police scanner, informed his part-time employee of the death, and

Whereas, Kendra's younger sister, Allyson, did learn of the death from their mother, Penny Downen, but Ms. Downen was forced to call her younger daughter with little time to compose herself, and immediately after the phone call, Allyson's phone became filled with text messages, and

Whereas, local dispatchers may eventually be able to encode these types of messages to rescue squads with the use of digital technology, but the date of implementation of these new radio transmission systems is estimated to be at least five years from now, and

Whereas, the next of kin are entitled to learn of tragic news in the most dignified and private manner possible, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont urges all Vermonters to respect the privacy of families whose relative's injury or death has been ascertained from a public safety scanner transmission and to allow the appropriate public safety

officials or an initially contacted family member to convey properly the tragic news in a dignified and thoughtful manner, *and be it further*

Resolved: That the Secretary of the Senate be directed to send copies of this resolution to members of the Downen family in Middlesex.

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

Bill Referred

House bill of the following title was read the first time and referred:

H. 507.

An act relating to authorizing the city of Burlington to issue in fiscal year 2013 the school bond approved in 2009.

To the Committee on Government Operations.

Joint Resolution Placed on Calendar

J.R.H. 21.

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

Joint resolution supporting the establishment of the National Women's History Museum in Washington, D.C.

Whereas, in 1987, Congress declared March to serve as "Women's History Month" to acknowledge the important role women have played in shaping America, and

Whereas, although women constitute a majority of the nation's population, their achievements and contributions are underrepresented in museums and memorials, and

Whereas, only 10 percent of the people identified in a recent survey of 18 history textbooks were women, and

Whereas, in 1999, the President's Commission on the Celebration of Women in American History called for a women's history museum to be established on "The National Mall" in Washington, D.C., and

Whereas, the National Women's History Museum (NWHM), founded in 1996, is a nonpartisan, nonprofit, educational organization dedicated to preserving, interpreting, and celebrating the diverse historic contributions of women and integrating the heritage of women fully into this nation's history, and

Whereas, the NWHM seeks a site on or close to the National Mall and in close proximity to the White House and the U.S. Capitol Building, and

Whereas, the NWHM has identified federally owned property for sale near the National Mall, and two congressional bills—the National Women’s History Act of 2011, sponsored by Representative Maloney in the House of Representatives as H.R. 1269 and Senator Collins in the Senate as S.80, and the National Women’s History Museum and Federal Facilities Consolidation Act of 2011, sponsored in the House of Representatives by Representative Mica as H.R. 2844 and in the Senate by Senator Boozman as S.1870—are currently pending in Congress, and

Whereas, there are museums dedicated to flight, postage stamps, buildings, and many other areas of interest but not to women, and yet women comprise 51 percent of the nation’s population, and

Whereas, the NWHM will showcase the full history of women in the United States and the contributions they have made and continue to make in the marketplace, arts and sciences, government, entertainment, education, home, and community, and

Whereas, a coalition of 43 women’s organizations representing eight million women, which includes the National Foundation for Women Legislators (NFWL), supports the efforts of the NWHM to establish a permanent residence near the National Mall, the most prominent location for museums to be situated in the nation’s capital, and

Whereas, in 1880, 40 years before universal women’s suffrage was enshrined in the United States Constitution as the 19th Amendment, the Vermont General Assembly granted tax-paying women the right to vote in and hold office in school district elections, and

Whereas, in 1917, Vermont became the first New England state to grant women the right to vote in municipal elections, and

Whereas, women have played an important role in Vermont state government, having served as governor, lieutenant governor (Vermont elected the first female lieutenant governor in the United States), secretary of state, and state treasurer, and

Whereas, in 2011, Vermont has one of the highest percentages of women state legislators of any state in the nation, and the tradition of women legislators dates to Edna Beard, who was elected the first female state representative in 1920 and then the first female state senator in 1922, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to enact legislation, subject to a set of conditions, including a prohibition on the use of federal funds, authorizing the federal government to convey land near the National Mall to the National Women's History Museum for the purpose of constructing a museum chronicling the history of women in American life, 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, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Third Reading Ordered

H. 505.

Senator MacDonald, for the Committee on Finance, to which was referred House bill entitled:

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

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.

Joint Resolution Adopted in Concurrence

J.R.H. 20.

Joint House resolution entitled:

Joint resolution authorizing 2012 Green Mountain Boys' State to conduct a civic education program at the State House.

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

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

H. 515.

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

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

Was taken up for immediate consideration.

Senator Flory, 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 Flory, 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 Flory, the rules were suspended and the bill was ordered messaged to the House forthwith.

**Rules Suspended; Bill Amended; Third Reading Ordered; Rules
Suspended; Bill Passed; Bill Messaged**

S. 249.

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

An act relating to Vermont Strong commemorative motor vehicle plates.

Was taken up for immediate consideration.

Senator Westman, for the Committee on Finance, to which the bill was referred reported that it has considered the same and recommended that the bill be amended in Sec. 1, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read:

(b) Authority; accounting and reporting.

(1) The department of motor vehicles (“department”) is authorized to design, manufacture or procure, and distribute commemorative plates that include the text “Vermont Strong” in accordance with this section. The department and Vermont Life magazine are authorized to sell commemorative plates. The department may also authorize other persons to sell commemorative plates, provided that such persons are required to pay the department \$25.00 per plate within 30 days of receiving the plates from the department.

(2) A Vermont Strong commemorative plate fund (the “fund”) is established. The fund shall be under the control of the commissioner of motor vehicles or designee, and shall consist of all receipts from the sales of Vermont Strong commemorative plates. The commissioner shall account for all proceeds of sales of commemorative plates and all receipts into and disbursements from the fund; shall track the number of plates distributed and sold; and shall track and collect payments owed for plates distributed. The commissioner shall transfer funds from the fund in accordance with subsection

(d) of this section no less often than once per month. The department shall report its accounting of fund receipts and disbursements, plate inventory, and uncollected payments for plates distributed to the joint fiscal committee at its November 2012 meeting.

And that when so amended the bill ought to pass.

Senator Illuzzi, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended as recommended by the Committee on Finance with the following amendment thereto:

In Sec. 1, in subsection (e), by striking the words “transportation fund” and inserting in lieu thereof the words “Vermont Strong commemorative plate fund”

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, and the recommendation of amendment of the Committee on Finance was amended as recommended by the Committee on Appropriations.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Finance, as amended?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.

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

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.

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 a House bill of the following title:

H. 475. An act relating to net metering and definitions of capacity.

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

The Governor has informed the House that on January 18, 2012, he approved and signed a bill originating in the House of the following title:

H. 461. An act relating to the reimbursement of statewide education property taxes that were abated due to flood damage.

Consideration Interrupted by Adjournment

H. 258.

Senator Lyons, for the Committee on Natural Resources and Energy, to which was referred Senator Bill entitled:

An act relating to public participation in environmental enforcement proceedings.

Reported recommending that the bill be amended by striking out Secs. 11 and 12 in their entirety and inserting in lieu thereof the following:

Sec. 11. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be amended as recommended by the Committee on Natural Resources and Energy? Senator Campbell, moved that the Senate adjourn, to reconvene on Tuesday, January 31, 2012, at nine o'clock in the forenoon pursuant to J.R.S. 40.

Thereupon, pending the question, Shall the Senate adjourn until Tuesday, January 31, 2012 at nine o'clock in the forenoon?, Senator Sears moved that the motion be amended to strike out the following: "nine o'clock" and inserting in lieu thereof the following: nine o'clock and thirty minutes

Which was agreed to on a division of the Senate, Yeas 18, Nays 9.

Thereupon, the Senate adjourned, to reconvene on Tuesday, January 31, 2012, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 40.

TUESDAY, JANUARY 31, 2012

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Nancy McHugh of Waitsfield.

Pledge of Allegiance

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

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 adopted House concurrent resolutions of the following titles:

H.C.R. 243. House concurrent resolution designating January 20, 2012 as Alzheimer's Awareness Day at the State House.

H.C.R. 244. House concurrent resolution designating nurse anesthetists week in Vermont.

H.C.R. 245. House concurrent resolution honoring the heroic radio coverage and community service of WDEV radio during Tropical Storm Irene and congratulating the broadcaster on its 80th anniversary.

H.C.R. 246. House concurrent resolution congratulating *The Vermont Cynic* on winning a 2011 Pacemaker Award for excellence in college journalism.

H.C.R. 247. House concurrent resolution in memory of Dr. Philip Harold Dunham of Brattleboro.

H.C.R. 248. House concurrent resolution congratulating the Proctor High School Phantoms 2011 Division IV championship girls' soccer team.

H.C.R. 249. House concurrent resolution congratulating the outstanding Vermont high school women runners who participated in the 2011 Nike Cross Nationals competition.

H.C.R. 250. House concurrent resolution honoring former Director of Retirement Policy & Outreach Cynthia Webster.

H.C.R. 251. House concurrent resolution congratulating the Proctor High School Phantoms 2011 Division IV championship boys' soccer team.

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

The House has considered concurrent resolutions originating in the Senate of the following titles:

S.C.R. 27. Senate concurrent resolution in memory of former Representative John H. Downs.

S.C.R. 28. Senate concurrent resolution celebrating the centennial anniversary of Montpelier City Hall.

S.C.R. 29. Senate concurrent resolution congratulating the 2011 Johnson State College national Division IV championship women's rugby team.

S.C.R. 30. Senate concurrent resolution recognizing the contribution of Kenric A. Kite to the development of public access television in central Vermont.

S.C.R. 31. Senate concurrent resolution honoring Dr. Frank G. Miglorie for his 41 years of service to and outstanding 28-year tenure as President of the College of St. Joseph.

S.C.R. 32. Senate concurrent resolution honoring the public service work of Brattleboro radio station WTSA during Tropical Storm Irene.

S.C.R. 33. Senate concurrent resolution congratulating Rick Cochran of Walden on being named the Vermont and National Small Business Person of the Year.

And has adopted the same in concurrence.

Joint Resolutions Placed on Calendar

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

By Senator Campbell,

J.R.S. 41. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 16, 2012, at ten o'clock and thirty minutes in the forenoon to elect two legislative Trustees of the Vermont State Colleges Corporation to serve a four year term commencing March 1, 2012, and expiring on March 1, 2016. In case election of all such Trustees shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such Trustees are elected.

By Senator Campbell,

J.R.S. 42. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2012.

Whereas, in recent years it has become increasingly necessary to shorten the length of time spent by the General Assembly in joint session for the election of various officials, and

Whereas, if elections for multiple vacancies were to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

Resolved by the Senate and House of Representatives:

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of two legislative trustees of the Vermont State Colleges Corporation at a Joint Assembly to be held on February 16, 2012, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be two.

(2) The two candidates receiving the greater number of votes shall be declared elected to fill the two vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or both of the two vacant positions, then voting shall continue on successive ballots for the unfilled position or positions until the vacancies have been filled by election declared of the two candidates receiving the greater number of votes.

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

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. 43. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday, February 2, 2012, or, Friday, February 3, 2012, it be to meet again no later than Tuesday, February 7, 2012.

**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:

Kimel, David of St. Albans - Member of the Vermont Municipal Bond Bank, - from February 1, 2012, to January 31, 2014.

To the Committee on Finance.

Valente, John of Rutland - Member of the Board of Medical Practice, - from January 1, 2012, to December 31, 2016.

To the Committee on Health and Welfare.

Bugbee, Dawn of Colchester - Member of the Vermont Educational and Health Buildings Financing Agency, - from February 1, 2012, to January 31, 2018.

To the Committee on Finance.

Flood, Patrick of East Calais - Commissioner of the Department of Mental Health, - from December 21, 2011, to February 28, 2013.

To the Committee on Health and Welfare.

Davies, William of Barton - Member of the Natural Resources Board/Water Resources Panel, - from February 1, 2012, to January 31, 2016.

To the Committee on Natural Resources and Energy.

Wikel, Elizabeth of Walden - Member of the Natural Resources Board/Land Use Panel, - from February 1, 2012, to January 31, 2016.

To the Committee on Natural Resources and Energy.

Bartlett, William of Hyde Park - Alternative Member of the Natural Resources Board, - from February 1, 2012, to January 31, 2016.

To the Committee on Natural Resources and Energy.

Marro, Nicola of Montpelier - Member of the Transportation Board, - from December 28, 2011, to February 28, 2013.

To the Committee on Transportation.

Illuzzi, Eileen of Newport - Member of the Board of Medical Practice, -
from January 1, 2012, to December 31, 2016.

To the Committee on Health and Welfare.

Bill Referred

House bill of the following title was read the first time and referred:

H. 475.

An act relating to net metering and definitions of capacity.

To the Committee on Finance.

**Consideration Resumed; Proposal of Amendment Agreed to; Third
Reading Ordered**

H. 258.

Consideration was resumed on House bill entitled:

An act relating to public participation in environmental enforcement proceedings.

Thereupon, the pending question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Natural Resources and Energy?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 27, Nays 2.

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

Roll Call

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

Those Senators who voted in the negative were: Sears, Starr.

The Senator absent and not voting was: Flory.

Bill Passed in Concurrence

H. 505.

House bill of the following title was read the third time and passed in concurrence:

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

Bill Amended; Third Reading Ordered

S. 181.

Senator Doyle, for the Committee on Education, to which was referred Senate bill entitled:

An act relating to school resource officers.

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

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

§ 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF UNDERSTANDING

(a) Neither the state board nor the department shall regulate the use of restraint and seclusion in a school by a fully sworn school resource officer certified pursuant to 20 V.S.A. § 2358. This subsection supersedes any state board rule that purports to regulate that use.

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

Sec. 2. EFFECTIVE DATE

This act 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.

Joint Resolution Adopted in Concurrence

J.R.H. 21.

Joint House resolution entitled:

Joint resolution supporting the establishment of the National Women's History Museum in Washington, D.C.

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

Senate Resolution Adopted**S.R. 14.**

Senate resolution entitled:

Senate resolution urging Vermonters to respect personal privacy in the dissemination of information heard on a public safety scanning receiver

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

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

H. 507.

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

An act relating to authorizing the city of Burlington to issue in fiscal year 2013 the school bond approved in 2009.

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.

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 passed House bills of the following titles:

H. 59. An act relating to unfair housing practices.

H. 449. An act relating to the designation of brook trout and walleye pike as the state fish of Vermont.

H. 552. An act relating to payment of workers' compensation benefits by electronic payroll card.

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

The House has adopted joint resolution of the following title:

J.R.H. 22. Joint resolution urging each university and college in Vermont to establish offices to assist students who are United States military veterans.

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

Senate Concurrent Resolutions

The following joint concurrent resolutions, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were adopted on the part of the Senate:

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

By Representative Aswad and others,

S.C.R. 34.

Senate concurrent resolution in memory of former Representative Alice Cook Bassett.

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

By Representative Donovan and others,

S.C.R. 35.

Senate concurrent resolution in memory of Arthur Rush Hogan Jr. of Burlington.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were adopted in concurrence:

By All Members of the House,

By All Members of the Senate,

H.C.R. 243.

House concurrent resolution designating January 20, 2012 as Alzheimer's Awareness Day at the State House.

By Representative Keenan and others,

By Senators Ayer, Kittell and Pollina,

H.C.R. 244.

House concurrent resolution designating nurse anesthetists week in Vermont.

By Representative Stevens and others,

By Senators Illuzzi, Cummings, Doyle and Pollina,

H.C.R. 245.

House concurrent resolution honoring the heroic radio coverage and community service of WDEV radio during Tropical Storm Irene and congratulating the broadcaster on its 80th anniversary.

By Representative Ram and others,

H.C.R. 246.

House concurrent resolution congratulating *The Vermont Cynic* on winning a 2011 Pacemaker Award for excellence in college journalism.

By Representative Edwards and others,

By Senators White and Galbraith,

H.C.R. 247.

House concurrent resolution in memory of Dr. Philip Harold Dunham of Brattleboro.

By Representative Potter and others,

H.C.R. 248.

House concurrent resolution congratulating the Proctor High School Phantoms 2011 Division IV championship girls' soccer team.

By Representative O'Brien and others,

By Senators Lyons and Snelling,

H.C.R. 249.

House concurrent resolution congratulating the outstanding Vermont high school women runners who participated in the 2011 Nike Cross Nationals competition.

By House Committee on Government Operations,

H.C.R. 250.

House concurrent resolution honoring former Director of Retirement Policy & Outreach Cynthia Webster.

By Representative Potter and others,

H.C.R. 251.

House concurrent resolution congratulating the Proctor High School Phantoms 2011 Division IV championship boys' soccer team.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Thursday, February 2, 2012.

THURSDAY, FEBRUARY 2, 2012

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Melvin Bridge of Ryegate.

Message from the House No. 15

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. 43. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bills Referred

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

H. 59.

An act relating to unfair housing practices.

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