

Journal of the House

Tuesday, February 8, 2011

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Peter Plagge of the Congregational Church, Waterbury, VT.

Message from the Senate No. 12

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 2. An act relating to sexual exploitation of a minor and the sex offender registry.

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

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

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

And has passed the same in concurrence.

The Governor has informed the Senate that on February 2, 2011, he approved and signed a bill originating in the Senate of the following title:

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

Message from the Senate No. 13

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

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

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

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

Pledge of Allegiance

Page Jeremiah Zybas of Northfield led the House in the Pledge of Allegiance.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 178

By Reps. Potter of Clarendon, Andrews of Rutland City, Font-Russell of Rutland City and French of Randolph,

House bill, entitled

An act relating to leaving a child or person under care of another unattended in a motor vehicle;

To the committee on Judiciary.

H. 179

By Reps. Cheney of Norwich, Clarkson of Woodstock and Haas of Rochester,

House bill, entitled

An act relating to requiring the state to pay for 100 percent of special education expenditures;

To the committee on Education.

H. 180

By Reps. Canfield of Fair Haven, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Cheney of Norwich, Donaghy of Poultney, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Larocque of Barnet, Lewis of Derby, McNeil of Rutland Town and Potter of Clarendon,

House bill, entitled

An act relating to authorizing motor vehicle use on state lands for hunting by senior citizens or persons with a disability;

To the committee on Corrections and Institutions.

H. 181

By Reps. Helm of Fair Haven, Donaghy of Poultney, Lewis of Derby and McAllister of Highgate,

House bill, entitled

An act relating to capping payments to municipalities from traffic violation revenue;

To the committee on Government Operations.

H. 182

By Reps. Savage of Swanton, Consejo of Sheldon and McAllister of Highgate,

House bill, entitled

An act relating to emergency personnel wages;

To the committee on General, Housing and Military Affairs.

H. 183

By Rep. Heath of Westford,

House bill, entitled

An act relating to allowing a safety inspection of rental property;

To the committee on General, Housing and Military Affairs.

H. 184

By Rep. Condon of Colchester,

House bill, entitled

An act relating to lottery vending machines;

To the committee on General, Housing and Military Affairs.

H. 185

By Reps. Consejo of Sheldon, Atkins of Winooski, Branagan of Georgia, Browning of Arlington, Christie of Hartford, Davis of Washington, Evans of Essex, French of Shrewsbury, Gilbert of Fairfax, Heath of Westford, Jerman of Essex, Keenan of St. Albans City, Lenex of Shelburne, Manwaring of Wilmington, Martin of Wolcott, Masland of Thetford, Miller of Shaftsbury, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Mrowicki of

Putney, Nuovo of Middlebury, Ralston of Middlebury, Spengler of Colchester, Till of Jericho, Waite-Simpson of Essex, Wilson of Manchester, Woodward of Johnson, Yantachka of Charlotte and Young of Albany,

House bill, entitled

An act relating to regulating fees and charges for propane gas;

To the committee on Commerce and Economic Development.

H. 186

By Reps. Lorber of Burlington, Dickinson of St. Albans Town and Edwards of Brattleboro,

House bill, entitled

An act relating to requiring lobbyists to wear badges in the state house;

To the committee on Government Operations.

H. 187

By Rep. Heath of Westford,

House bill, entitled

An act relating to notice of ineligibility for an income sensitivity adjustment due to a change in homestead status;

To the committee on Ways and Means.

H. 188

By Reps. Edwards of Brattleboro, Andrews of Rutland City, Bohi of Hartford, Burke of Brattleboro, Cheney of Norwich, Clarkson of Woodstock, Courcelle of Rutland City, Davis of Washington, Deen of Westminster, Donovan of Burlington, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Font-Russell of Rutland City, French of Randolph, Haas of Rochester, Head of South Burlington, Klein of East Montpelier, Larson of Burlington, Lorber of Burlington, Macaig of Williston, Manwaring of Wilmington, Marek of Newfane, Martin of Wolcott, McCullough of Williston, McFaun of Barre Town, Mitchell of Barnard, Moran of Wardsboro, Mrowicki of Putney, Nuovo of Middlebury, Partridge of Windham, Pearson of Burlington, Poirier of Barre City, Pugh of South Burlington, Ralston of Middlebury, Ram of Burlington, Savage of Swanton, Sharpe of Bristol, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Webb of Shelburne, Weston of Burlington and Wizowaty of Burlington,

House bill, entitled

An act relating to regulating rental-purchase transactions;

To the committee on Commerce and Economic Development.

H. 189

By Reps. Edwards of Brattleboro, Cheney of Norwich and Webb of Shelburne,

House bill, entitled

An act relating to energy efficiency of vending machines on state property;

To the committee on Natural Resources and Energy.

H. 190

By Reps. Canfield of Fair Haven, Acinapura of Brandon, Browning of Arlington, Cheney of Norwich, Hebert of Vernon, Komline of Dorset, Larocque of Barnet, McNeil of Rutland Town, Shaw of Pittsford, Stevens of Shoreham, Till of Jericho and Winters of Williamstown,

House bill, entitled

An act relating to prohibiting a sex offender from using a false name when creating a social networking website profile;

To the committee on Judiciary.

H. 191

By Reps. Koch of Barre Town, Donahue of Northfield, Lanpher of Vergennes and Till of Jericho,

House bill, entitled

An act relating to use of tobacco products at ski areas;

To the committee on Human Services.

H. 192

By Reps. French of Randolph and Townsend of Randolph,

House bill, entitled

An act relating to replacement of VT Route 65 floating bridge over Sunset Lake in the town of Brookfield;

To the committee on Transportation.

H. 193

By Reps. Keenan of St. Albans City, Andrews of Rutland City, Bartholomew of Hartland, Dakin of Chester, O'Brien of Richmond, Spengler of Colchester, Strong of Albany and Till of Jericho,

House bill, entitled

An act relating to lowering to 16 the age of consent for blood donation;

To the committee on Human Services.

H. 194

By Reps. Canfield of Fair Haven, Acinapura of Brandon, Buxton of Royalton, Christie of Hartford, Hebert of Vernon, Helm of Fair Haven, Larocque of Barnet, McNeil of Rutland Town, Stevens of Shoreham, Till of Jericho and Winters of Williamstown,

House bill, entitled

An act relating to civil immunity for volunteer coaches;

To the committee on Judiciary.

H. 195

By Rep. Johnson of Canaan,

House bill, entitled

An act relating to spending authorization and appropriations for resurfacing VT Route 102;

To the committee on Transportation.

H. 196

By Rep. Johnson of Canaan,

House bill, entitled

An act relating to replacing road signs on VT Route 102;

To the committee on Transportation.

H. 197

By Rep. Edwards of Brattleboro,

House bill, entitled

An act relating to registration of motor vehicles and unpaid judgments for parking violations;

To the committee on Transportation.

H. 198

By Reps. Burke of Brattleboro, Masland of Thetford, Andrews of Rutland City, Bohi of Hartford, Davis of Washington, Donovan of Burlington, Edwards of Brattleboro, Font-Russell of Rutland City, French of Shrewsbury, Haas of Rochester, Head of South Burlington, Lanpher of Vergennes, Lorber of Burlington, Martin of Springfield, McFaun of Barre Town, Mrowicki of Putney, Pearson of Burlington, Pugh of South Burlington, Ram of Burlington, Shand of Weathersfield, Spengler of Colchester, Waite-Simpson of Essex, Webb of Shelburne, Weston of Burlington, Wilson of Manchester, Wizowaty of Burlington, Wright of Burlington and Young of Albany,

House bill, entitled

An act relating to a transportation policy to accommodate all users;

To the committee on Transportation.

H. 199

By Rep. Wilson of Manchester,

House bill, entitled

An act relating to naming contributors in campaign finance reports;

To the committee on Government Operations.

H. 200

By Reps. Stevens of Waterbury, Burke of Brattleboro, Edwards of Brattleboro, Hooper of Montpelier, Lorber of Burlington, McFaun of Barre Town, Poirier of Barre City, Ram of Burlington, Spengler of Colchester, Webb of Shelburne, Weston of Burlington and Wizowaty of Burlington,

House bill, entitled

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

To the committee on Health Care.

H. 201

By Reps. Frank of Underhill, Batchelor of Derby, Burditt of West Rutland, Donahue of Northfield, French of Randolph, Haas of Rochester, McFaun of Barre Town, Mrowicki of Putney, Pugh of South Burlington, Trieber of Rockingham and Woodward of Johnson,

House bill, entitled

An act relating to hospice and palliative care;
To the committee on Health Care.

H. 202

By Rep. Larson of Burlington,
House bill, entitled
An act relating to a single-payer and unified health system;
To the committee on Health Care.

H. 203

By Reps. Donahue of Northfield, Batchelor of Derby, Burditt of West Rutland, Frank of Underhill, French of Randolph, Hooper of Montpelier and McFaun of Barre Town,
House bill, entitled
An act relating to probable cause hearings for mental health admissions;
To the committee on Human Services.

H. 204

By Reps. Donahue of Northfield, French of Randolph, Batchelor of Derby, Burditt of West Rutland, Frank of Underhill, Haas of Rochester and Mrowicki of Putney,
House bill, entitled
An act relating to promoting positive behavioral intervention and supports in schools, reducing the use of physical restraint, and prohibiting the use of other behavioral interventions;
To the committee on Education.

H. 205

By Reps. Haas of Rochester and Donahue of Northfield,
House bill, entitled
An act relating to transportation of psychiatric patients;
To the committee on Human Services.

H. 206

By Rep. Cheney of Norwich,
House bill, entitled

An act relating to amending Act 250 to support growth in compact urban and village centers surrounded by countryside;

To the committee on Natural Resources and Energy.

H. 207

By Rep. Sharpe of Bristol,

House bill, entitled

An act relating to monthly property tax collection for mobile homes;

To the committee on Government Operations.

H. 208

By Rep. Sharpe of Bristol,

House bill, entitled

An act relating to highly compensated employees business surcharge;

To the committee on Commerce and Economic Development.

H. 209

By Rep. Fisher of Lincoln,

House bill, entitled

An act relating to transfer of guardianship or adoption proceedings from probate to family court;

To the committee on Judiciary.

Senate Bill Referred

S. 2

Senate bill, entitled

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

Was read and referred to the committee on Judiciary.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 135

Rep. Ancel of Calais moved that the committee on Ways and Means be relieved of House bill, entitled

An act relating to redemption upon tax sale of real property

And that the bill be committed to the committee on Government Operations, which was agreed to.

Bill Read Second Time; Third Reading Ordered

H. 138

Rep. Branagan of Georgia spoke for the committee on Ways and Means.

House bill entitled

An act relating to executive branch fees

Having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the bill be read a third time? **Rep. Komline of Dorset** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 104. Nays, 32.

Those who voted in the affirmative are:

Acinapura of Brandon	Dakin of Chester	Kitzmiller of Montpelier
Ancel of Calais	Deen of Westminster	Klein of East Montpelier
Andrews of Rutland City	Devereux of Mount Holly	Koch of Barre Town
Atkins of Winooski	Donahue of Northfield	Krebs of South Hero
Bartholomew of Hartland	Donovan of Burlington	Kupersmith of South Burlington
Bissonnette of Winooski	Edwards of Brattleboro	Lanpher of Vergennes
Bohi of Hartford	Ellis of Waterbury	Larson of Burlington
Botzow of Pownal	Emmons of Springfield	Lenes of Shelburne
Branagan of Georgia	Evans of Essex	Leriche of Hardwick
Brennan of Colchester	Fisher of Lincoln	Lorber of Burlington
Browning of Arlington	Frank of Underhill	Macaig of Williston
Burke of Brattleboro	French of Shrewsbury	Malcolm of Pawlet
Buxton of Royalton	French of Randolph	Manwaring of Wilmington
Campton of Bennington	Gilbert of Fairfax	Marcotte of Coventry
Cheney of Norwich	Grad of Moretown	Marek of Newfane
Christie of Hartford	Greshin of Warren	Martin of Springfield
Clarkson of Woodstock	Haas of Rochester	Martin of Wolcott
Condon of Colchester	Head of South Burlington	Masland of Thetford
Conquest of Newbury	Heath of Westford	McCullough of Williston
Consejo of Sheldon	Helm of Fair Haven	Miller of Shaftsbury
Copeland-Hanzas of Bradford	Hooper of Montpelier	Mitchell of Barnard
Corcoran of Bennington	Jerman of Essex	Moran of Wardsboro
Courcelle of Rutland City	Jewett of Ripton	Mrowicki of Putney
Crawford of Burke	Johnson of South Hero	Munger of South Burlington
	Keenan of St. Albans City	

Nuovo of Middlebury	Ram of Burlington	Toll of Danville
O'Brien of Richmond	Shand of Weathersfield	Townsend of Randolph
Olsen of Jamaica	Sharpe of Bristol	Trieber of Rockingham
Partridge of Windham	South of St. Johnsbury	Waite-Simpson of Essex
Pearce of Richford	Spengler of Colchester	Webb of Shelburne
Pearson of Burlington	Stevens of Waterbury	Wilson of Manchester
Peltz of Woodbury	Stevens of Shoreham	Winters of Williamstown
Poirier of Barre City	Stuart of Brattleboro	Yantachka of Charlotte
Potter of Clarendon	Sweaney of Windsor	Young of Albany
Pugh of South Burlington	Taylor of Barre City	
Ralston of Middlebury	Till of Jericho	

Those who voted in the negative are:

Batchelor of Derby	Higley of Lowell	Myers of Essex
Bouchard of Colchester	Howard of Cambridge	Peaslee of Guildhall
Canfield of Fair Haven	Hubert of Milton	Perley of Enosburgh
Clark of Vergennes *	Kilmartin of Newport City	Reis of St. Johnsbury
Degree of St. Albans City	Komline of Dorset	Savage of Swanton
Dickinson of St. Albans Town	Larocque of Barnet	Scheuermann of Stowe
Donaghy of Poultney	Lawrence of Lyndon	Shaw of Pittsford
Eckhardt of Chittenden	Lewis of Berlin	Smith of New Haven
Fagan of Rutland City	Lewis of Derby	Strong of Albany
Hebert of Vernon	McFaun of Barre Town	Turner of Milton
	McNeil of Rutland Town	Wright of Burlington

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Johnson of Canaan	Weston of Burlington
Burditt of West Rutland	Lippert of Hinesburg	Wizowaty of Burlington
Davis of Washington	McAllister of Highgate	Woodward of Johnson
Font-Russell of Rutland City	Mook of Bennington	
Howrigan of Fairfield	Morrissey of Bennington	

Rep. Clark of Vergennes explained his vote as follows:

“Mr. Speaker:

Poison ivy by any other name still itches. If you're paying the increase as a fee or tax, it still takes lots of calamine lotion to ease that itch.”

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 201

Rep. Pugh of South Burlington moved that the committee on Health Care be relieved of House bill, entitled

An act relating to hospice and palliative care

And that the bill be committed to the committee on Human Services, which was agreed to.

Message from the Senate No. 14

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 17. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2011.

J.R.S. 18. Joint resolution relating to weekend adjournment.

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

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 4. Senate concurrent resolution honoring former Secretary of Transportation David Dill for his insightful leadership at the Agency of Transportation.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 39. House concurrent resolution congratulating the Manchester Journal on 150 years of journalism excellence.

H.C.R. 40. House concurrent resolution recognizing May 12, 2011 as “Diabetic Peripheral Neuropathy Day” in Vermont.

H.C.R. 41. House concurrent resolution honoring retiring Bennington District Probate Court Judge Sally I. Cook for her outstanding career accomplishments.

H.C.R. 42. House concurrent resolution congratulating the 2010 Mount Mansfield Union High School Cougars Division I championship boys’ cross-country team.

H.C.R. 43. House concurrent resolution recognizing the outstanding public sector and community service career of Gretchen Morse of Burlington .

H.C.R. 44. House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar New Year 4709.

H.C.R. 45. House concurrent resolution congratulating the 2010 Leland & Gray Union High School Rebels Division III championship boys' soccer team.

Adjournment

At eleven o'clock and fifteen minues in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are herby adopted in concurrence.

H.C.R. 39

House concurrent resolution congratulating the Manchester Journal on 150 years of journalism excellence;

H.C.R. 40

House concurrent resolution recognizing May 12, 2011 as "Diabetic Peripheral Neuropathy Day" in Vermont;

H.C.R. 41

House concurrent resolution honoring retiring Bennington District Probate Court Judge Sally I. Cook for her outstanding career accomplishments;

H.C.R. 42

House concurrent resolution congratulating the 2010 Mount Mansfield Union High School Cougars Division I championship boys' cross-country team;

H.C.R. 43

House concurrent resolution recognizing the outstanding public sector and community service career of Gretchen Morse of Burlington ;

H.C.R. 44

House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar New Year 4709;

H.C.R. 45

House concurrent resolution congratulating the 2010 Leland & Gray Union High School Rebels Division III championship boys' soccer team;

S.C.R. 3

Senate concurrent resolution designating May as Lupus Awareness Month in Vermont;

S.C.R. 4

Senate concurrent resolution honoring former Secretary of Transportation David Dill for his insightful leadership at the Agency of Transportation;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2011, seventy-first Biennial session.]