

Journal of the House

Friday, February 3, 2017

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Geof Hewitt, Poet, Calais, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 188

By Reps. Wright of Burlington, Christie of Hartford, Cupoli of Rutland City, Dickinson of St. Albans Town, Hill of Wolcott, Jickling of Brookfield, Lewis of Berlin, Parent of St. Albans Town, Poirier of Barre City, Toll of Danville and Young of Glover,

House bill, entitled

An act relating to increasing the penalties for animal cruelty;

To the committee on Agriculture & Forestry.

H. 189

By Rep. Young of Glover,

House bill, entitled

An act relating to allowing a voter's spouse to pick up an early voter absentee ballot;

To the committee on Government Operations.

H. 190

By Reps. McCormack of Burlington, Colburn of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to regulating leaf blowers and leaf vacuums;

To the committee on Natural Resources, Fish & Wildlife.

H. 191

By Reps. Dickinson of St. Albans Town, Keefe of Manchester, McFaun of Barre Town, Myers of Essex and Webb of Shelburne,

House bill, entitled

An act relating to the recalculation of a town's education tax liability after a reduction in property tax values;

To the committee on Ways and Means.

H. 192

By Reps. Masland of Thetford, Briglin of Thetford, Mrowicki of Putney, Troiano of Stannard and Yantachka of Charlotte,

House bill, entitled

An act relating to immunity from liability for licensed professionals providing essential services during emergencies;

To the committee on Judiciary.

H. 193

By Rep. Till of Jericho,

House bill, entitled

An act relating to liability for damage to customer-owned, underground electric service lines;

To the committee on Energy and Technology.

H. 194

By Reps. Baser of Bristol and Deen of Westminster,

House bill, entitled

An act relating to priority housing projects under 10 V.S.A. chapter 151 (Act 250);

To the committee on General, Housing and Military Affairs.

**Green Mountain Care Board
Nominating Committee Appointed**

Pursuant to 18 V.S.A. § 9390, the Chair hereby appoints the following members to the Green Mountain Care Board Nominating Committee:

Rep. Bancroft of Westford

Rep. Lippert of Hinesburg

Dr. Allan Ramsay

**Legislative Advisory Committee
On The State House Appointed**

Pursuant to 2 V.S.A. § 651, the Chair hereby appoints the following members to the Legislative Advisory Committee on the State House:

Rep. Burke of Brattleboro

Rep. Kitzmiller of Montpelier

Rep. Strong of Albany

Governor's Snowmobile Council Appointed

Pursuant to 23 V.S.A. § 3216, the Chair hereby appoints the following member to the Governor's Snowmobile Council:

Rep. Nolan of Morristown

Third Reading; Bill Passed

H. 38

House bill, entitled

An act relating to the membership of the Clean Water Fund Board

Was taken up, read the third time and passed.

Senate Bill Considered; Consideration Interrupted

S. 1

Pending third reading of the bill, **Rep. Poirier of Barre City** moved that the House propose to the Senate to amend the bill as follows:

By adding a new Sec. 2 to read:

Sec. 2. SCHOOL DISTRICT BUDGET VOTES FOR FISCAL YEAR 2018

Notwithstanding any other provision of law, a special school budget vote date is set for Tuesday, May 23, 2017 for school districts to vote a budget for fiscal year 2018. This date shall be in place of the budget votes scheduled under current law for fiscal year 2018 school district budgets.

and by renumbering the remaining section to be numerically correct.

Rep. Wright of Burlington raised a Point of Order whether the amendment was germane. The Speaker ruled the amendment was germane as the amendment and the bill both considered dates for budgeting purposes.

Recess

At ten o'clock and nine minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and thirty five minutes in the forenoon , the Speaker called the House to order.

Consideration Resumed; Bill Read Third Time; Passed

S. 1

Pending the question Shall the House propose to the Senate to amend the bill as proposed by Rep. Poirier of Barre City? **Rep. Beck of St. Johnsbury** moved to substitute an amendment for the amendment offered by the **Rep. Poirier of Barre City**, as follows:

Propose to the Senate that the bill be amended by adding a new Sec. 2 to read:

Sec. 2. SCHOOL DISTRICT BUDGET VOTES

Notwithstanding any provision of law, for fiscal year 2019 and every succeeding fiscal year, the electorate of a school district shall vote on the district's proposed budget no earlier than the Tuesday preceding Memorial Day.

and by renumbering the remaining section to be numerically correct.

Thereupon **Rep. Beck of St. Johnsbury** asked and was granted leave of the House to withdraw the amendment.

Pending the question, Shall the House propose to the Senate to amend the bill as offered by Rep. Poirier of Barre City? **Rep. Poirier of Barre City** 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 House propose to the Senate to amend the bill as offered by Rep. Poirier of Barre City? was decided in the negative. Yeas, 47. Nays, 87.

Those who voted in the affirmative are:

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|-------------------------|-------------------------|---------------------------|
| Ainsworth of Royalton | Gage of Rutland City | Nolan of Morristown |
| Bancroft of Westford | Gamache of Swanton | Parent of St. Albans Town |
| Baser of Bristol | Graham of Williamstown | Pearce of Richford |
| Beck of St. Johnsbury | Hebert of Vernon | Rosenquist of Georgia |
| Beyor of Highgate | Helm of Fair Haven | Savage of Swanton |
| Brennan of Colchester | Higley of Lowell | Scheuermann of Stowe |
| Burditt of West Rutland | Hubert of Milton | Shaw of Pittsford |
| Canfield of Fair Haven | Juskiewicz of Cambridge | Smith of Derby |
| Cupoli of Rutland City | LaClair of Barre Town | Smith of New Haven |
| Devereux of Mount Holly | Lawrence of Lyndon | Strong of Albany |
| Dickinson of St. Albans | Lefebvre of Newark * | Tate of Mendon |
| Donahue of Northfield | Lewis of Berlin | Terenzini of Rutland Town |
| Fagan of Rutland City | Marcotte of Coventry | Turner of Milton |
| Feltus of Lyndon | McCoy of Poultney | Van Wyck of Ferrisburgh |

Frenier of Chelsea

McFaun of Barre Town
Myers of EssexViens of Newport City
Willhoit of St. Johnsbury

Those who voted in the negative are:

Ancel of Calais

Giambatista of Essex

Ode of Burlington

Bartholomew of Hartland

Gonzalez of Winooski

O'Sullivan of Burlington

Belaski of Windsor

Grad of Moretown

Partridge of Windham

Bissonnette of Winooski

Greshin of Warren

Poirier of Barre City

Bock of Chester

Haas of Rochester

Potter of Clarendon

Briglin of Thetford

Head of South Burlington

Pugh of South Burlington

Browning of Arlington

Hill of Wolcott

Rachelson of Burlington

Brumsted of Shelburne

Hooper of Montpelier

Sharpe of Bristol

Buckholz of Hartford

Hooper of Brookfield

Sheldon of Middlebury *

Carr of Brandon

Howard of Rutland City

Sibilia of Dover

Chesnut-Tangerman of

Jessup of Middlesex

Squirrell of Underhill

Middletown Springs

Jickling of Brookfield

Stevens of Waterbury

Christensen of Weathersfield

Joseph of North Hero

Stuart of Brattleboro

Christie of Hartford

Keenan of St. Albans City

Sullivan of Dorset

Cina of Burlington

Kimbell of Woodstock

Sullivan of Burlington

Colburn of Burlington

Kitzmiller of Montpelier

Taylor of Colchester

Condon of Colchester

Krowinski of Burlington *

Till of Jericho

Conlon of Cornwall

Lalonde of South Burlington

Toll of Danville

Connor of Fairfield

Lanpher of Vergennes

Townsend of South

Conquest of Newbury

Lippert of Hinesburg

Burlington

Copeland-Hanzas of

Long of Newfane

Trieber of Rockingham

Corcoran of Bennington

Lucke of Hartford

Troiano of Stannard *

Dakin of Colchester

Macaig of Williston

Walz of Barre City

Deen of Westminster

Masland of Thetford

Webb of Shelburne *

Donovan of Burlington

McCullough of Williston

Weed of Enosburgh

Dunn of Essex

Miller of Shaftsbury

Wood of Waterbury

Emmons of Springfield

Morris of Bennington

Wright of Burlington

Forguites of Springfield

Mrowicki of Putney

Yacavone of Morristown

Gannon of Wilmington

Murphy of Fairfax

Young of Glover

Gardner of Richmond

Noyes of Wolcott

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

Batchelor of Derby

Martel of Waterford

Scheu of Middlebury

Botzow of Pownal

McCormack of Burlington

Toleno of Brattleboro

Burke of Brattleboro

Morrisey of Bennington

Yantachka of Charlotte

Fields of Bennington

Olsen of Londonderry

Houghton of Essex

Quimby of Concord

Keefe of Manchester

Rep. Copeland-Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

I vote no. This date change is part of a larger proposal that dumps \$138M of new spending on to property tax payers. I don't think very highly of the

budget proposal that shifts costs onto our property taxes, forces local school districts to throw out their hard-worked budgets and imposes a top-down restriction that will hurt kids as it costs us all more on our property tax bills. Boards are doing hard work to find efficiencies by consolidating with neighboring districts. This is a step backwards.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

We must work together to find solutions to improve education without raising taxes on the backs of hard-working property tax payers and teachers. Let’s make sure we give all Vermont kids a fair shot.”

Rep. Lefebvre of Newark explained his vote as follows:

“Madam Speaker:

I voted yes on this amendment because I want to stand up whenever I can to support the call to change the way we fund education.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

We are in crisis as far as our Education Funding system is concerned. I’ve heard this body referred to as a ship that takes time to change its direction. We are the Titanic, Madam Speaker, as you used the analogy during the first speech; we are just trying to point out the rocks.”

Rep. Sharpe of Bristol explained his vote as follows:

“Madam Speaker:

This date is the lynch pin of the Governor’s education budget plan which will raise taxes and hurt the education of Vermont’s children.”

Rep. Sheldon of Middlebury explained her vote as follows:

“Madam Speaker:

Using the blunt tool of requiring zero funded school budgets by May 23rd is disrespectful of the hard work our school boards have already done and an irresponsible approach to addressing our budget challenges.”

Rep. Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

This is too much, too late!”

Rep. Troiano of Troiano explained his vote as follows:

“Madam Speaker:

I voted no. As I looked at the Hardwick Gazette this morning the first 2 pages were filled with articles on each of many towns who have just finalized their school budgets in preparation for town meeting. School boards whose members have reached out to me, school boards who have worked for the past 4 months to get these budgets done have asked me to not support this change. Walden moved their school budget vote to May and the next year the voters voted the budget vote back to March.”

Rep. Turner of Milton explained his vote as follows:

“Madam Speaker:

I vote yes on this amendment in support of moving the date of school budgets out to May 23rd. This will allow the legislature to provide all pertinent information to Vermonters before they vote on school budgets unlike what occurs today. This does not require school boards to change their FY18 budgets or increase property taxes! Thank you.”

Rep. Webb of Shelburne explained her vote as follows:

“Madam Speaker:

Simply moving the school budget vote date creates a distraction for towns facing merger votes, stymies collective bargaining conversations around the state, makes timely implementation of S1 all but impossible and ultimately stands to increase not decrease pressure on the property tax.”

Pending the question, Shall the bill be read a third time? **Rep. Beck of St. Johnsbury** moved to amend the bill as follows:

By adding a new Sec. 2 to read:

Sec. 2. SCHOOL DISTRICT BUDGET VOTES

Notwithstanding any provision of law, for fiscal year 2019 and every succeeding fiscal year, the electorate of a school district shall vote on the district’s proposed budget no earlier than the Tuesday preceding Memorial Day.

and by renumbering the remaining section to be numerically correct.

Pending the question, Shall the House propose to the Senate to amend the bill as offered by Rep. Beck of St. Johnsbury? **Rep. Beck of St. Johnsbury** 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 House propose to the Senate to amend the bill as offered by Rep.

Beck of St. Johnsbury? was decided in the negative. Yeas, 52. Nays, 83.

Those who voted in the affirmative are:

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|-------------------------|-------------------------|---------------------------|
| Ainsworth of Royalton | Graham of Williamstown | Parent of St. Albans Town |
| Bancroft of Westford | Greshin of Warren | Pearce of Richford |
| Baser of Bristol | Hebert of Vernon | Rosenquist of Georgia |
| Beck of St. Johnsbury | Helm of Fair Haven | Savage of Swanton |
| Beyor of Highgate | Higley of Lowell | Scheuermann of Stowe |
| Brennan of Colchester | Hubert of Milton | Shaw of Pittsford |
| Brumsted of Shelburne | Juskiewicz of Cambridge | Smith of Derby |
| Burditt of West Rutland | LaClair of Barre Town | Smith of New Haven |
| Canfield of Fair Haven | Lawrence of Lyndon | Strong of Albany |
| Cupoli of Rutland City | Lefebvre of Newark | Tate of Mendon |
| Devereux of Mount Holly | Lewis of Berlin | Terenzini of Rutland Town |
| Dickinson of St. Albans | Marcotte of Coventry | Turner of Milton |
| Donahue of Northfield | Martel of Waterford | Van Wyck of Ferrisburgh |
| Fagan of Rutland City | McCoy of Poultney | Viens of Newport City |
| Feltus of Lyndon | McFaun of Barre Town | Willhoit of St. Johnsbury |
| Frenier of Chelsea | Morrissey of Bennington | Wright of Burlington * |
| Gage of Rutland City | Myers of Essex | |
| Gamache of Swanton | Nolan of Morristown | |

Those who voted in the negative are:

| | | |
|--|-----------------------------|---------------------------------|
| Ancel of Calais | Gardner of Richmond | Murphy of Fairfax |
| Bartholomew of Hartland | Giambatista of Essex | Noyes of Wolcott |
| Belaski of Windsor | Gonzalez of Winooski | Ode of Burlington |
| Bissonnette of Winooski | Grad of Moretown | O'Sullivan of Burlington |
| Bock of Chester | Haas of Rochester | Partridge of Windham |
| Briglin of Thetford | Head of South Burlington | Poirier of Barre City |
| Browning of Arlington | Hill of Wolcott | Potter of Clarendon |
| Buckholz of Hartford | Hooper of Montpelier | Pugh of South Burlington |
| Carr of Brandon | Hooper of Brookfield | Rachelson of Burlington |
| Chesnut-Tangerman of Middletown Springs | Howard of Rutland City | Sharpe of Bristol |
| Christensen of Weathersfield | Jessup of Middlesex | Sheldon of Middlebury |
| Christie of Hartford | Jickling of Brookfield | Sibilia of Dover |
| Cina of Burlington | Joseph of North Hero | Squirrell of Underhill |
| Colburn of Burlington | Keenan of St. Albans City | Stevens of Waterbury |
| Condon of Colchester | Kimbell of Woodstock | Stuart of Brattleboro |
| Conlon of Cornwall | Kitzmiller of Montpelier | Sullivan of Dorset |
| Connor of Fairfield | Krowinski of Burlington | Sullivan of Burlington |
| Conquest of Newbury | Lalonde of South Burlington | Taylor of Colchester |
| Copeland-Hanzas of | Lanpher of Vergennes | Till of Jericho |
| Corcoran of Bennington | Lippert of Hinesburg | Townsend of South Burlington |
| Dakin of Colchester | Long of Newfane * | Trieber of Rockingham |
| Deen of Westminster | Lucke of Hartford | Troiano of Stannard |
| Donovan of Burlington | Macaig of Williston | Walz of Barre City |
| Dunn of Essex | Masland of Thetford | Webb of Shelburne |
| Emmons of Springfield | McCullough of Williston | Weed of Enosburgh |
| Forguites of Springfield | Miller of Shaftsbury | Wood of Waterbury |
| | Morris of Bennington | |

Gannon of Wilmington

Mrowicki of Putney

Yacavone of Morristown
Young of Glover

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

Batchelor of Derby

Keefe of Manchester

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Botzow of Pownal

McCormack of Burlington

Toll of Danville

Burke of Brattleboro

Olsen of Londonderry

Yantachka of Charlotte

Fields of Bennington

Quimby of Concord

Houghton of Essex

Scheu of Middlebury

Reps. Copeland-Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

School districts already have the freedom to change the date of their vote. If there’s wisdom in the plan I trust they’ll make the changes without our interference.”

Rep. Dunn of Essex explained her vote as follows:

“Madam Speaker:

I voted no on this bill. I do believe that there are systemic changes needed in our educational system. I do not believe that this measure does that. This assembly passed Act 46 in the last biennium. I think we should allow that work to go forward.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

While the Governor’s education proposal may contain some laudable goals, among other things, it also takes away our local authority to decide how much to spend on our public schools and instead, creates imposed spending limits from Montpelier. I have spent the last 22 years in my role as a school board member listening to my local tax payers – and I cannot support this because a change in date will not change anything.”

Rep. Sharpe of Bristol explained his vote as follows:

“Madam Speaker:

I would like to thank the body to allow S.1, the counting of pre-K pupils, to move forward unscathed.”

Rep. Shaw of Pittsford explained his vote as follows:

“Madam Speaker:

If today’s exercise moves the education funding conversation forward it was certainly worth our time spent today.”

Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

I vote no. Changing the date of a vote on school budgets does absolutely nothing to reduce school spending or property taxes.”

Rep. Wright of Burlington explained his vote as follows:

“Madam Speaker:

There are reasons to support this amendment, and reasons to oppose it as well. Voters will have more information in May, but do they really want another election, up to 4 in one year? If by this vote alone we moved the election to May, I could not support it. I vote yes strictly as a conversation starter, one that would need testimony, and much public input before ever adopting it.”

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

**Favorable Report; Read Second Time;
Third Reading Ordered**

S. 2

Rep. Myers of Essex, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to information sharing by the Commissioner of Financial Regulation

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Rules Suspended; Bill Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

S. 1

Senate bill, entitled

An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018

Message from the Senate No. 15

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

Madam Speaker:

I am directed to inform the House that:

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

H.C.R. 26. House concurrent resolution commemorating the 225th anniversary of the Town of Mount Holly.

H.C.R. 27. House concurrent resolution congratulating the 2016 Harwood Union High School Highlanders Division II championship girls' cross-country team.

H.C.R. 28. House concurrent resolution honoring Tufts University Medical Center neurosurgery chair Dr. Carl B. Heilman.

H.C.R. 29. House concurrent resolution congratulating the 2016 Hartford High School Hurricanes Division I championship football team.

H.C.R. 30. House concurrent resolution designating the month of February 2017 as Self-Care Month in Vermont.

Adjournment

At twelve o'clock and eighteen minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 7, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S.12.

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 hereby adopted in concurrence.

H.C.R. 26

House concurrent resolution commemorating the 225th anniversary of the Town of Mount Holly;

H.C.R. 27

House concurrent resolution congratulating the 2016 Harwood Union High School Highlanders Division II championship girls' cross-country team;

H.C.R. 28

House concurrent resolution honoring Tufts University Medical Center neurosurgery chair Dr. Carl B. Heilman;

H.C.R. 29

House concurrent resolution congratulating the 2016 Hartford High School Hurricanes Division I championship football team;

H.C.R. 30

House concurrent resolution designating the month of February 2017 as Self-Care Month in Vermont;

[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 2017, seventy-fourth Biennial session.]