

Journal of the House

of the

STATE OF VERMONT
BIENNIAL SESSION, 2009

Wednesday, January 7, 2009

Pursuant to the provisions of the Constitution and Laws of the State of Vermont, the member-elect of the House of Representatives convened in the State House in Montpelier on the first Wednesday after the first Monday, being the seventh day of January, in the year of our Lord, two thousand and nine.

At ten o'clock in the forenoon, the Honorable Deborah L. Markowitz, Secretary of State, called the House to order for the seventieth biennial session.

Moment of Silence

The Secretary of State requested members rise in a moment of silence in memory of Representative Jim Hutchinson who passed away on July 28, 2008.

Pledge of Allegiance

Page Stafford Attig of Barre Town, led the House in the Pledge of Allegiance.

Roll Call

Secretary of State, Deborah Markowitz, called the roll for the seventieth biennial session:

Addison-1	Steven B. Maier Betty A. Nuovo
Addison-2	Willem W. Jewett
Addison-3	Gregory S. Clark Diane Lanpher
Addison-4	Michael Fisher David Sharpe
Addison-5	Christopher A. Bray

Addison- Rutland-1	William C. Stevens
Bennington-1	William G. F. Botzow II
Bennington-2-1	Timothy R. Corcoran II Joseph L. Krawczyk, Jr.
Bennington-2-2	Anne H. Mook Mary A. Morrissey
Bennington-3	Alice Miller
Bennington-4	Jeff Wilson
Bennington-5	Cynthia M. Browning
Bennington- Rutland-1	Patti Komline
Caledonia-1	Leigh B. Larocque
Caledonia-2	Lucy Leriche
Caledonia-3	Gerald W. Reis Robert South
Caledonia-4	Howard Crawford Richard Lawrence
Caledonia- Washington-1	Kitty Beattie-Toll
Chittenden-1-1	William J. Lippert, Jr.
Chittenden-1-2	Scott A. Orr
Chittenden-2	James M. McCullough Terence Macaig
Chittenden-3-1	William N. Aswad Kurt Wright

Chittenden-3-2 Mark Larson

Chittenden-3-3 Jason P. Lorber
Rachel Weston

Chittenden-3-4 Kesha Ram
David E. Zuckerman

Chittenden-3-5 Johannah L. Donovan
Suzi Wizowaty

Chittenden-3-6 Kenneth W. Atkins
Clement J. Bissonnette

Chittenden-3-7 Frank J. Geier

Chittenden-3-8 Ann D. Pugh

Chittenden-3-9 Albert C. Audette

Chittenden-3-10 Helen J. Head

Chittenden-4 Anne T. O'Brien

Chittenden-5-1 Kate Webb

Chittenden-5-2 Joan G. Lenes

Chittenden-6-1 Debbie G. Evans
Linda K. Myers

Chittenden-6-2 Timothy Jerman
Linda Waite-Simpson

Chittenden-6-3 Martha P. Heath

Chittenden-7-1 James O. Condon
John Zenie

Chittenden-7-2 Patrick M. Brennan
Kristy K. Spengler

Chittenden-8	William R. Frank George Till
Chittenden-9	Donald H. Turner, Jr. Ronald E. Hubert
Essex- Caledonia-1	Janice L. Peaslee
Essex- Caledonia- Orleans	William F. Johnson
Franklin-1	Carolyn W. Branagan Gary L. Gilbert
Franklin-2	Richard J. Howrigan Eileen Dickinson
Franklin-3	Kathleen C. Keenan Jeff Young
Franklin-4	Peter Perley
Franklin-5	Michel Consejo Brian K. Savage
Franklin-6	Norman H. McAllister, Sr. Albert Pearce
Grand Isle- Chittenden-1	Mitzi Johnson Ira Trombley
Lamoille-1	Heidi E. Scheuermann
Lamoille-2	Linda J. Martin
Lamoille-3	Floyd W. Nease
Lamoille-4	Richard A. Westman

Lamoille- Washington-1	Peter Peltz Shapleigh Smith, Jr.
Orange-1	Susan Hatch Davis Philip C. Winters
Orange-2	Sarah Copeland-Hanzas
Orange- Addison-1	Patsy French Lawrence Townsend
Orange- Caledonia-1	Chip Conquest
Orleans-1	Robert Lewis Scott Wheeler
Orleans-2	Duncan F. Kilmartin Michael J. Marcotte
Orleans- Caledonia-1	John S. Morley III John S. Rodgers
Orleans- Franklin-1	Mark A. Higley
Rutland-1-1	Andrew P. Donaghy
Rutland-1-2	Joseph A. Baker David E. Potter
Rutland-2	William P. Canfield Robert G. Helm
Rutland-3	Eldred French
Rutland-4	James L. McNeil
Rutland-5-1	Peter J. Fagan
Rutland-5-2	Margaret Andrews

Rutland-5-3	Steven J. Howard
Rutland-5-4	Gale P. Courcelle
Rutland-6	Margaret K. Flory
Rutland-7	Joseph Acinapura
Rutland-8	John W. Malcolm
Rutland- Windsor-1	Megan M. Smith
Washington-1	Adam Greshin
Washington-2	Anne B. Donahue Maxine Jo Grad
Washington-3-1	Paul N. Poirier
Washington-3-2	Tess Taylor
Washington-3-3	Patricia A. McDonald
Washington-4	Thomas F. Koch Francis M. McFaun
Washington-5	Mary S. Hooper Warren F. Kitzmiller
Washington-6	Janet Ancel
Washington-7	Anthony W. Klein
Washington- Chittenden-1	Susan M. Minter Thomas Stevens
Windham-1	Patricia A. O'Donnell
Windham-2	Ann P. Manwaring
Windham-3-1	Virginia A. Milkey

Windham-3-2	Mollie S. Burke
Windham-3-3	Sarah R. Edwards
Windham-4	Michael J. Obuchowski Carolyn W. Partridge
Windham-5	David L. Deen Michael Mrowicki
Windham-6	Richard J. Marek
Windham- Bennington-1	John Moran
Windham- Bennington- Windsor-1	Richard W. Hube, Jr.
Windsor-1-1	Kathy D. Pellett
Windsor-1-2	Alice M. Emmons Cynthia T. Martin
Windsor-2	Ernest W. Shand
Windsor-3	Donna G. Sweaney
Windsor-4	Steven C. Adams
Windsor-5	Alison H. Clarkson
Windsor-6-1	Mark B. Mitchell
Windsor-6-2	John J. Clerkin Charles S. Bohi
Windsor- Orange-1	David M. Ainsworth
Windsor- Orange-2	Margaret Cheney James W. Masland
Windsor-	Dennis J. Devereux

Rutland-1
Windsor- Sandy Haas
Rutland-2

Absentees

The following named members-elect were not present for roll call.

Kathleen Keenan of Franklin-3
Duncan Kilmartin of Orleans-2

Quorum Present

Thereupon, the Secretary of State declared that a quorum of the members-elect was present.

Election of Speaker

The Secretary of State directed the House to the election of a Speaker for the two years next ensuing.

Rep. **Sweaney of Windsor** presented the name of **Shapleigh Smith, Jr. of Morristown**.

Thereupon, the nomination of **Rep. Smith of Morristown** for Speaker was seconded by **Rep. Jewett of Ripton**.

Rep. Komline of Dorset moved that nominations cease and the Secretary of State cast one ballot for **Shapleigh Smith, Jr.** of Morristown as Speaker of the House.

Thereupon, the Secretary of State declared that

Shapleigh Smith, Jr.

the Representative from the town of Morristown, having a majority of the votes, was elected Speaker of the House of Representatives for the two years next ensuing.

The Secretary of State designated:

Rep. Nease of Johnson
Rep. Leriche of Hardwick
Rep. Komline of Dorset
Rep. McDonald of Berlin
Rep. Sweaney of Windsor
Rep. Jewett of Ripton

as a committee to wait upon the Speaker-elect, inform him of his election and conduct him to the rostrum to receive the oath of office.

Oath Administered

The Speaker-elect was conducted to the rostrum, the oath of office administered by the Secretary of State, and thereupon, the Speaker was conducted to the Chair and assumed his duties.

Election of Clerk

The Speaker directed the House to the election of a Clerk for the two years next ensuing.

Rep. Nease of Johnson presented the name of Donald G. Milne of Washington.

Mr. Milne's nomination for Clerk of the House was seconded by **Rep. Komline of Dorset**.

There being no further nominations, the Speaker then directed that the vote be taken *viva voce*.

The vote having been taken, the Speaker declared that

Donald G. Milne

of Washington was unanimously elected Clerk of the House of Representatives for the two years next ensuing.

The Speaker designated:

Rep. Nease of Johnson

Rep. Komline of Dorset

Rep. Davis of Washington

Rep. Winters of Williamstown

as a committee to wait upon the Clerk-elect, inform him of his election and conduct him to the bar of the House to receive the oath of office.

Oath Administered

The Clerk-elect was conducted to the bar of the House, the oath of office administered by his granddaughter, **Elise Milne**, and thereupon, the clerk entered upon the discharge of his duties.

Oath Administered to Members-elect

Thereupon, the Representatives-elect each took and subscribed the oath, administered by the Clerk, as required by the Constitution and laws of the State.

Communication from Clerk

The Speaker placed before the House a communication from the Clerk as

follows:

“January 7, 2009

Honorable
Speaker of the House

Sir,

I have the honor to inform you and the members of the House that I have appointed William M. MaGill of Montpelier as First Assistant Clerk, Gwynn Zakov of Barre as Second Assistant Clerk, Cathleen M. Cameron of Montpelier as Journal Clerk, Jean L. Jasman of Montpelier as Calendar Clerk and Marlene Velandar of Berlin as Resolution/Status Clerk.

Sincerely,

/s/Donald G. Milne
Clerk of the House

DGM/cmc”

Oath Administered to Clerks

The Doorkeepers were directed to conduct William M. MaGill, the First Assistant Clerk, and H. Gwynn Zakov, the Second Assistant Clerk, to the bar of the House where the oath was administered by the Clerk.

Thereupon, the assistant clerks entered upon the discharge of their duties.

House Resolutions Adopted

The Speaker placed before the House the following House resolutions which were read and adopted on the part of the House.

H.R. 1

House resolution relating to House rules

By Reps. Nease of Johnson and Komline of Dorset

Resolved by the House of Representatives

That the House rules in effect at the end of the 2007-2008 session be the rules of this biennial session until others are adopted.

H.R. 2

House resolution relating to the organization of the House and informing the Senate thereof

By Reps. Nease of Johnson and Komline of Dorset

Resolved by the House of Representatives

That the Clerk of the House inform the Senate that the House has organized and is ready on its part to proceed with the business of the session.

H.R. 3

House resolution relating to the organization of the House and informing the Governor thereof

By Reps. Nease of Johnson and Komline of Dorset

Resolved by the House of Representatives

That His Excellency, the Governor, be informed by Committee that the House has completed its organization and is ready to receive any communication from him.

Committee Appointed

Pursuant to the provision of H.R. 3, the Speaker appointed the following as members of the Committee to inform the Governor of the organization of the House.

Rep. Nease of Johnson
Rep. Leriche of Hardwick
Rep. Komline of Dorset
Rep. McDonald of Berlin
Rep. Deen of Westminster
Rep. Koch of Barre Town

Joint Resolutions Adopted in Concurrence

The Speaker placed before the House the following Joint resolutions, which were read and adopted in concurrence.

J.R.S. 1.

By Senator Illuzzi,

Joint resolution relating to joint rules.

Resolved by the Senate and House of Representatives:

That the joint rules of the Senate and the House as adopted in 2007 be adopted as the joint rules of this biennial session until others are adopted.

J.R.S. 2.

By Senator White,

Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 8, 2009, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the freemen of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the freemen.

J.R.S. 3.

By Senator Doyle,

Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 8, 2009, at two o'clock in the afternoon to receive the inaugural message of the Governor.

Committees Announced

The Speaker announced the 2009-10 House standing committees as follows:

**Standing Committee Membership
Vermont House of Representatives
2009-2010 Biennium**

AGRICULTURE

Partridge, Chair	of Windham
Lawrence, Vice-Chair	of Lyndon
Malcolm ®	of Pawlet
Ainsworth	of Royalton
Bray	of New Haven
Conquest	of Newbury
McAllister	of Highgate
McNeil	of Rutland Town
Stevens	of Shoreham
Taylor	of Barre City
Toll	of Danville

APPROPRIATIONS

Heath, Chair	of Westford
Larson, Vice-Chair	of Burlington
Helm ®	of Castleton
Acinapura	of Brandon
Crawford	of Burke

Johnson	of South Hero
Keenan	of St. Albans City
Manwaring	of Wilmington
Miller	of Shaftsbury
Minter	of Waterbury
Morley	of Barton

COMMERCE

Kitzmiller, Chair	of Montpelier
Marcotte, Vice-Chair	of Coventry
Shand ®	of Weathersfield
Botzow	of Pownal
Bissonnette	of Winooski
Clerkin	of Hartford
Dickinson	of St. Albans Town
Lorber	of Burlington
Smith	of Mendon
Turner	of Milton
Wilson	of Manchester

EDUCATION

Donovan, Chair	of Burlington
Mook, Vice-Chair	of Bennington
Clark ®	of Vergennes
Geier	of South Burlington
Gilbert	of Fairfax
Kilmartin	of Newport City
Pearce	of Richford
Peltz	of Woodbury
Perley	of Enosburg
Waite-Simpson	of Essex
Zenie	of Colchester

FISH, WILDLIFE & WATER RESOURCES

Deen, Chair	of Westminster
Adams, Vice-Chair	of Hartland
McCullough ®	of Williston
Bohi	of Hartford
Fagan	of Rutland City
Lewis	of Derby
Nease	of Johnson
Spengler	of Colchester
Webb	of Shelburne

GENERAL, HOUSING & MILITARY AFFAIRS

Head, Chair	of South Burlington
Baker, Vice-Chair	of West Rutland
Moran ®	of Wardsboro
Johnson	of Canaan
Ram	of Burlington
Savage	of Swanton
South	of St. Johnsbury
Stevens	of Waterbury

GOVERNMENT OPERATIONS

Sweaney, Chair	of Windsor
Atkins, Vice-Chair	of Winooski
Devereux ®	of Mount Holly
Consejo	of Sheldon
Evans	of Essex
Higley	of Lowell
Hubert	of Milton
Leriche	of Hardwick
Martin	of Wolcott
McDonald	of Berlin
Townsend	of Randolph

HEALTH CARE

Maier, Chair	of Middlebury
Milkey, Vice-Chair	of Brattleboro
Wheeler ®	of Derby
Copeland-Hanzas	of Bradford
Greshin	of Warren
Morrissey	of Bennington
O'Brien	of Richmond
Poirier	of Barre City
Till	of Jericho
Trombley	of Grand Isle
Wizowaty	of Burlington

HUMAN SERVICES

Pugh, Chair	of South Burlington
Fisher, Vice-Chair	of Lincoln
Donahue ®	of Northfield
Andrews	of Rutland City
Frank	of Underhill
French	of Randolph

Haas	of Rochester
McFaun	of Barre Town
Mrowicki	of Putney
O'Donnell	of Vernon
Orr	of Charlotte

INSTITUTIONS

Emmons, Chair	of Springfield
Myers, Vice-Chair	of Essex
Rodgers ®	of Glover
Browning	of Arlington
Davis	of Washington
Hooper	of Montpelier
Koch	of Barre Town
Larocque	of Barnet
Lenes	of Shelburne
Macaig	of Williston
Reis	of St. Johnsbury

JUDICIARY

Lippert, Chair	of Hinesburg
Grad, Vice-Chair	of Moretown
Flory ®	of Pittsford
Donaghy	of Poultney
French	of Shrewsbury
Jewett	of Ripton
Komline	of Dorset
Marek	of Newfane
Martin	of Springfield
Pellett	of Chester
Scheuermann	of Stowe

NATURAL RESOURCES & ENERGY

Klein, Chair	of East Montpelier
Krawczyk, Vice-Chair	of Bennington
Nuovo ®	of Middlebury
Canfield	of Fair Haven
Cheney	of Norwich
Edwards	of Brattleboro
Jerman	of Essex Junction
Mitchell	of Barnard
Weston	of Burlington
Wright	of Burlington
Young	of St. Albans City

TRANSPORTATION

Westman, Chair	of Cambridge
Potter, Vice-Chair	of Clarendon
Audette ®	of South Burlington
Aswad	of Burlington
Brennan	of Colchester
Burke	of Brattleboro
Corcoran	of Bennington
Courcelle	of Rutland City
Howrigan	of Fairfield
Lanpher	of Vergennes
Peaslee	of Guildhall

WAYS & MEANS

Obuchowski, Chair	of Rockingham
Ancel, Vice-Chair	of Calais
Branagan ®	of Georgia
Clarkson	of Woodstock
Condon	of Colchester
Howard	of Rutland
Hube	of Londonderry
Masland	of Thetford
Sharpe	of Bristol
Winters	of Williamstown
Zuckerman	of Burlington

Recess

At eleven o'clock and thirty minutes in the forenoon, the Speaker declared a recess until one o'clock and thirty minutes in the afternoon.

At one o'clock and thirty minutes in the afternoon, the Speaker called the House to order.

Seating of Members

Pursuant to the provisions of House Rule 5, the members were seated.

Canvassing Committee Elected

The Speaker nominated as the Committee on the part of the House to canvass votes for state officers, the following named members:

Addison District	Bray of New Haven
	Clark of Vergennes
	Stevens of Shoreham

Bennington District	Miller of Shaftsbury Komline of Dorset Corcoran of Bennington
Caledonia District	Lawrence of Lyndonville Larocque of Barnet Leriche of Hardwick
Chittenden District	McCullough of Williston Wright of Burlington Zuckerman of Burlington
Essex-Orleans District	Rodgers of Glover Kilmartin of Newport City Peaslee of Guildhall
Franklin District	Consejo of Sheldon McAllister of Highgate Branagan of Georgia
Grand Isle District	Johnson of South Hero Condon of Colchester Brennan of Colchester
Lamoille District	Scheuermann of Stowe Nease of Johnson Martin of Wolcott
Orange District	Winters of Williamstown Davis of Washington French of Randolph
Rutland District	McNeil of Rutland Town Malcolm of Pawlet Courcelle of Rutland City
Washington District	McDonald of Berlin Minter of Waterbury Ancel of Calais
Windham District	Hube of Londonderry Edwards of Brattleboro Mrowicki of Putney

Windsor District

Haas of Rochester
Pellett of Chester
Adams of Hartland

Rep. Nease of Johnson moved the election of the candidates, as nominated by the Speaker.

Thereupon, the Speaker appointed **Rep. Malcolm of Pawlet** as Chair on the part of the House.

Oath Administered to Canvassing Committee

The Clerk administered the oath to the above-named Canvassing Committee as required by the rules of the House.

Message from the Senate No. 1

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:

A quorum of the Senate has assembled and organized by the election of

DAVID A. GIBSON

of the Town of Brookline, Secretary, who in turn has appointed

STEVEN D. MARSHALL

of the Town of Swanton, Assistant Secretary, and by the election of

PETER E. SHUMLIN

of the Town of Putney, Windham District, President *pro tempore*.

Message from the Senate No. 2

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. 1. An act relating to Joint resolution relating to joint rules..

J.R.S. 2. An act relating to Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers..

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

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

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

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

Message from the Senate No. 3

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 appointed as members of the Joint Canvassing committee on the part of the Senate to canvass votes for state officers:

Addison District	Senator Giard
Bennington District	Senator Hartwell
Caledonia District	Senator Choate
Chittenden District	Senator Ashe
Essex-Orleans District	Senator Starr
Franklin District	Senator Brock
Grand Isle District	Senator Mazza
Lamoille District	Senator Bartlett
Rutland District	Senator Mullin
Washington District	Senator Scott
Windham District	Senator White
Windsor District	Senator McCormack

The President has designated Senator White as Chair on the part of the Senate.

Adjournment

At two o'clock and forty-five minutes in the afternoon, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.