

# Journal of the House

---

**Friday, January 23, 2009**

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

## **Devotional Exercises**

Devotional exercises were conducted by Rev. Rebecca Clark of Trinity United Methodist Church, Montpelier.

## **Rules Suspended; House Bills Introduced**

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

### **H. 77**

By Reps. Helm of Castleton, Brennan of Colchester, Johnson of Canaan, Lewis of Derby and Reis of St. Johnsbury,

An act relating to lowering the legal drinking age to 18;

To the committee on General, Housing and Military Affairs.

### **H. 78**

By Reps. Donaghy of Poultney, Adams of Hartland, Baker of West Rutland, Brennan of Colchester, Canfield of Fair Haven, Devereux of Mount Holly, Johnson of Canaan, Komline of Dorset, Larocque of Barnet, McAllister of Highgate, McDonald of Berlin, McNeil of Rutland Town, Morrissey of Bennington, O'Donnell of Vernon, Rodgers of Glover and Savage of Swanton,

An act relating to special registration plates for veterans for use on motorcycles;

To the committee on Transportation.

### **H. 79**

By Reps. Poirier of Barre City, Atkins of Winooski, Bissonnette of Winooski, McDonald of Berlin and Taylor of Barre City,

An act relating to compensation to municipalities for release of offenders by Department of Corrections ;

To the committee on Corrections and Institutions.

**H. 80**

By Rep. McCullough of Williston,

An act relating to the use of chloramine as a disinfectant in public water systems;

To the committee on Fish, Wildlife & Water Resources.

**H. 81**

By Rep. Poirier of Barre City,

An act relating to compensability of mental injuries under workers' compensation;

To the committee on Commerce and Economic Development.

**H. 82**

By Reps. Donaghy of Poultney, Baker of West Rutland, Brennan of Colchester, Canfield of Fair Haven, Devereux of Mount Holly, Larocque of Barnet, McAllister of Highgate, McNeil of Rutland Town and Savage of Swanton,

An act relating to the use of force in defense of a dwelling place;

To the committee on Judiciary.

**H. 83**

By Reps. Courcelle of Rutland City and Adams of Hartland,

An act relating to underground storage tanks and the petroleum cleanup fund;

To the committee on Fish, Wildlife & Water Resources.

**H. 84**

By Reps. Donaghy of Poultney, Baker of West Rutland and Morrissey of Bennington,

An act relating to law enforcement officer retirement;

To the committee on Government Operations.

**H. 85**

By Rep. Poirier of Barre City,

An act relating to campaign finance reporting requirements;

To the committee on Government Operations.

---

**H. 86**

By Rep. Sweaney of Windsor,

An act relating to the regulation of professions and occupations;

To the committee on Government Operations.

**H. 87**

By Reps. Gilbert of Fairfax, Bissonnette of Winooski, Branagan of Georgia, Clerkin of Hartford, Consejo of Sheldon, Courcelle of Rutland City, Crawford of Burke, Dickinson of St. Albans Town, Evans of Essex, Haas of Rochester, Howrigan of Fairfield, Keenan of St. Albans City, Lenex of Shelburne, McAllister of Highgate, McDonald of Berlin, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Nuovo of Middlebury, Peltz of Woodbury, Potter of Clarendon, Savage of Swanton, Spengler of Colchester, Stevens of Shoreham, Trombley of Grand Isle, Turner of Milton, Waite-Simpson of Essex, Wheeler of Derby, Young of St. Albans City and Zenie of Colchester,

An act relating to granting postsecondary credit for successful completion of advanced placement courses, dual enrollment courses, and postsecondary courses completed through an online or correspondence course offered by an accredited postsecondary institution;

To the committee on Education.

**Message from the Senate No. 9**

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

Mr. Speaker:

I am directed to inform the House that:

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

**J.R.S. 9.** Joint resolution relating to weekend adjournment.

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

**Memorial Service**

The Speaker placed before the House the following names of members of past sessions of the Vermont General Assembly who had passed away recently:

**Anthony Tumielewicz**

**Member from Rutland  
Sessions of 1983, 1985, 1987 &  
1989**

**Michael D. Flaherty****Member from Burlington  
Sessions of 1995, 1997 & 1999**

Thereupon, the members of the House rose for a moment of prayer in memory of the deceased members. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved families.

**Joint Resolution Referred to Committee****J.R.H. 3**

Joint resolution urging Congress to increase the federal expenditure for special education to 40 percent

Offered by: Representatives Rodgers of Glover and Myers of Essex

Whereas, it is the policy of the state of Vermont to ensure general and special education opportunities for all children, and

Whereas, Vermont's special education costs not financed with federal dollars have risen from \$51,355,077 million in fiscal year 1990 to \$220,815,125 in fiscal year 2008, and

Whereas, there are over 14,000 students in Vermont who receive special education services, and

Whereas, the federal government has committed itself to provide 40 percent of the average per-pupil expenditure in public elementary and secondary schools for funding special education programs (see 34 C.F.R. § 300.701(a)(1): "the maximum entitlement is equal to the number of children with disabilities aged 3 through 21 in the State who are receiving special education and related services, multiplied by 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States"), and

Whereas, the federal government passed the "Unfunded Mandates Reform Act of 1995" (P.L. 104-4, March 22, 1995, 109 Stat. 48) which stated that "the Federal Government should not shift certain costs to the States, and the States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes," and

Whereas, since 1983, the federal government has short-changed Vermont by \$404,590,089 in special education funding, and

Whereas, the federal government contributed only approximately 20 percent of special education funding in the last fiscal year, which is substantially less than the promised 40 percent, and

Whereas, the federal government's failure to appropriate special education funding at the level that it is legally committed to expend places a heavy strain on all Vermont property taxpayers who are already overburdened trying to provide a quality education for Vermont students, and, unfortunately, is exacerbating the conflict between local property taxpayers and educational constituencies, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges President Barack Obama, Senate Majority Leader Harry Reid, Senate Minority Leader Mitch McConnell, Speaker of the House Nancy Pelosi, House Majority Leader Steny Hoyer, and House Minority Leader John Boehner to expedite the adoption of legislation that increases federal special education funding to 40 percent, the level to which Congress previously committed the federal government, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Barack Obama, to each of the federal congressional leaders listed in this resolution, and to the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Education.

**Joint Resolution Adopted in Concurrence**

**J.R.S. 9.**

By Senator Shumlin,

Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, January 23, 2009, it be to meet again no later than Tuesday, January 27, 2009.

Was taken up read and adopted in concurrence.

**Committee Appointments**

The Speaker announced member appointments as follows:

**Joint Legislative Committee on Administrative Rules**

Rep. Marek of Newfane  
Rep. French of Randolph  
Rep. Myers of Essex  
Rep. Milkey of Brattleboro

**Joint Fiscal Committee**

Rep. Obuchowski of Rockingham  
 Rep. Heath of Westford  
 Rep. Ancel of Calais  
 Rep. Larson of Burlington  
 Rep. Westman of Cambridge

**Public Transit Advisory Council**

Rep. Audette of South Burlington

**Commission on Health Care Reform**

Rep. Maier of Middlebury  
 Rep. Larson of Burlington  
 Rep. McFaun of Barre  
 Rep. Till of Jericho

**Transportation Enhancement Fund Committee**

Rep. Potter of Clarendon  
 Rep. Corcoran of Bennington

**Favorable Report; Third Reading Ordered****H. 12**

**Rep. Hube of Londonderry**, for the committee on Ways and Means, to which had been referred House bill, entitled

An act relating to education property tax rates

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

Pending the question, Shall the bill be read the third time? **Rep. Nease of Johnson** 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 the third time? was decided in the affirmative. Yeas, 136. Nays, 0.

Those who voted in the affirmative are:

Acinapura of Brandon  
 Adams of Hartland  
 Ainsworth of Royalton  
 Ancel of Calais  
 Andrews of Rutland City  
 Aswad of Burlington  
 Atkins of Winooski

Baker of West Rutland  
 Bissonnette of Winooski  
 Bohi of Hartford  
 Botzow of Pownal  
 Branagan of Georgia  
 Bray of New Haven  
 Brennan of Colchester

Browning of Arlington  
 Burke of Brattleboro  
 Canfield of Fair Haven  
 Clarkson of Woodstock  
 Clerkin of Hartford  
 Condon of Colchester  
 Conquest of Newbury

Consejo of Sheldon	Klein of East Montpelier	O'Donnell of Vernon
Copeland-Hanzas of Bradford	Koch of Barre Town	Partridge of Windham
Corcoran of Bennington	Komline of Dorset	Pearce of Richford
Courcelle of Rutland City	Krawczyk of Bennington	Peaslee of Guildhall
Crawford of Burke	Lanpher of Vergennes	Pellett of Chester
Davis of Washington	Larocque of Barnet	Peltz of Woodbury
Deen of Westminster	Larson of Burlington	Perley of Enosburg
Devereux of Mount Holly	Lawrence of Lyndon	Ram of Burlington
Dickinson of St. Albans Town	Lenes of Shelburne	Reis of St. Johnsbury
Donaghy of Poultney	Lerich of Hardwick	Rodgers of Glover
Donahue of Northfield	Lewis of Derby	Savage of Swanton
Donovan of Burlington	Lippert of Hinesburg	Scheuermann of Stowe
Emmons of Springfield	Lorber of Burlington	Shand of Weathersfield
Evans of Essex	Macaig of Williston,	Sharpe of Bristol
Fagan of Rutland City	Malcolm of Pawlet	Smith of Mendon
Fisher of Lincoln	Manwaring of Wilmington	Smith of Morristown
Flory of Pittsford	Marcotte of Coventry	South of St. Johnsbury
Frank of Underhill	Marek of Newfane	Spengler of Colchester
French of Shrewsbury	Martin of Springfield	Stevens of Waterbury,
French of Randolph	Martin of Wolcott	Stevens of Shoreham
Geier of S. Burlington	Masland of Thetford	Sweaney of Windsor
Gilbert of Fairfax	McAllister of Highgate	Taylor of Barre City
Greshin of Warren	McCullough of Williston	Till of Jericho
Haas of Rochester	McDonald of Berlin	Toll of Danville
Head of S. Burlington	McNeil of Rutland Town	Townsend of Randolph
Heath of Westford	Milkey of Brattleboro	Trombley of Grand Isle
Helm of Castleton	Miller of Shaftsbury	Turner of Milton
Higley of Lowell	Minter of Waterbury	Waite-Simpson of Essex
Hoopier of Montpelier	Mitchell of Barnard	Webb of Shelburne
Howrigan of Fairfield	Mook of Bennington	Westman of Cambridge
Hube of Londonderry	Moran of Wardsboro	Weston of Burlington
Hubert of Milton	Morley of Barton	Wheeler of Derby
Jerman of Essex	Morrissey of Bennington	Wilson of Manchester
Jewett of Ripton	Mrowicki of Putney	Winters of Williamstown
Johnson of Canaan	Myers of Essex	Wizowaty of Burlington
Keenan of St. Albans City	Nease of Johnson	Wright of Burlington
Kilmartin of Newport	Nuovo of Middlebury	Young of St. Albans City
City Kitzmiller of Montpelier	O'Brien of Richmond	Zenie of Colchester
	Obuchowski of Rockingham	Zuckerman of Burlington

Those who voted in the negative are:

None

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

Audette of S. Burlington	Howard of Rutland City	Poirier of Barre City
Cheney of Norwich	Johnson of S. Hero	Potter of Clarendon
Clark of Vergennes	Maier of Middlebury	Pugh of S. Burlington
Edwards of Brattleboro	McDonald of Berlin	
Grad of Moretown	Orr of Charlotte	

**Message from the Senate No. 10**

A message was received from the Senate by Mr. Gibson, its 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. 13.** An act relating to improving Vermont's sexual abuse response system.

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

**Adjournment**

At ten o'clock and twenty minutes in the forenoon, on motion of **Rep. McDonald of Berlin**, the House adjourned until Tuesday, January 27, 2009, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 9.