

Journal of the House

Wednesday, February 4, 2009

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Kevin Goldenbogen of United Church, Underhill, VT.

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 to committee as follows:

H. 137

By Reps. Jewett of Ripton, Donahue of Northfield, Fisher of Lincoln, Geier of S. Burlington, Mrowicki of Putney and Zuckerman of Burlington,

An act relating to requiring criminal proceedings against minors to be commenced in family court;

To the committee on Judiciary.

H. 138

By Rep. Maier of Middlebury,

An act relating to the Vermont Information Technology Leaders, Inc. (VITL);

To the committee on Health Care.

H. 139

By Reps. Marcotte of Coventry, Bissonnette of Winooski, Clerkin of Hartford, Dickinson of St. Albans Town, Komline of Dorset, McDonald of Berlin, Turner of Milton and Wilson of Manchester,

An act relating to green growth zones;

To the committee on Natural Resources and Energy.

H. 140

By Reps. Jewett of Ripton, Burke of Brattleboro, Frank of Underhill,

Lippert of Hinesburg, Lorber of Burlington, Masland of Thetford, Partridge of Windham, Poirier of Barre City, Till of Jericho and Zuckerman of Burlington,

An act relating to eliminating the preexisting condition exclusion under Catamount Health;

To the committee on Health Care.

H. 141

By Reps. Shand of Weathersfield, Clark of Vergennes and Condon of Colchester,

An act relating to elimination of income sensitivity;

To the committee on Ways and Means.

H. 142

By Reps. Jewett of Ripton, Clarkson of Woodstock, Conquest of Newbury, Lanpher of Vergennes, Maier of Middlebury, Mook of Bennington, Mrowicki of Putney, Nuovo of Middlebury, Sharpe of Bristol, Stevens of Shoreham, Sweaney of Windsor, Webb of Shelburne and Zuckerman of Burlington,

An act relating to noncompliance with the No Child Left Behind Act of 2001;

To the committee on Education.

H. 143

By Reps. Trombley of Grand Isle and Johnson of S. Hero,

An act relating to removal of tuition costs from the excess spending calculation;

To the committee on Education.

H. 144

By Reps. Jewett of Ripton, Evans of Essex, Flory of Pittsford, Marek of Newfane and Martin of Wolcott,

An act relating to budget reporting and requests by the judicial and legislative branches of state government;

To the committee on Government Operations.

H. 145

By Reps. Deen of Westminster, Adams of Hartland, Bohi of Hartford, Fagan of Rutland City, McCullough of Williston, Spengler of Colchester and Webb of Shelburne,

An act relating to composting;

To the committee on Fish, Wildlife & Water Resources.

H. 146

By Reps. Potter of Clarendon, Malcolm of Pawlet, Aswad of Burlington, Audette of S. Burlington, Bissonnette of Winooski, Botzow of Pownal, Bray of New Haven, Courcelle of Rutland City, Howrigan of Fairfield, Jerman of Essex, Kitzmiller of Montpelier, Lanpher of Vergennes, Lawrence of Lyndon, McNeil of Rutland Town, Stevens of Shoreham and Westman of Cambridge,

An act relating to prohibiting an operator from mobile telephone usage while operating a motor vehicle;

To the committee on Transportation.

H. 147

By Reps. Grad of Moretown, Potter of Clarendon, Donaghy of Poultney, Heath of Westford, Jewett of Ripton, Keenan of St. Albans City, Koch of Barre Town, Lippert of Hinesburg, Manwaring of Wilmington, Marek of Newfane, Martin of Springfield, McDonald of Berlin, Minter of Waterbury, Pellett of Chester, Pugh of S. Burlington and Sweaney of Windsor,

An act relating to the operation of a motor vehicle by junior operators and primary safety belt enforcement;

To the committee on Transportation.

H. 148

By Reps. Rodgers of Glover, Malcolm of Pawlet, Marcotte of Coventry, Morley of Barton and Stevens of Shoreham,

An act relating to amending the definition of farm truck to include a microtruck and a mini-truck;

To the committee on Transportation.

H. 149

By Reps. Pellett of Chester, Andrews of Rutland City, Devereux of Mount Holly, Donovan of Burlington, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Marek of Newfane, Martin of Springfield, Mook of Bennington, Nuovo of Middlebury, Shand of Weathersfield, Stevens of Shoreham, Till of Jericho and Zuckerman of Burlington,

An act relating to sales tax on soft drinks;

To the committee on Ways and Means.

H. 150

By Reps. Zuckerman of Burlington, Clarkson of Woodstock, Conquest of Newbury, Davis of Washington, Deen of Westminster, Donovan of Burlington, Edwards of Brattleboro, French of Randolph, Klein of East Montpelier, Lorber of Burlington, Marek of Newfane, Masland of Thetford, Milkey of Brattleboro, Pellett of Chester, Peltz of Woodbury, Spengler of Colchester, Sweaney of Windsor, Weston of Burlington and Zenie of Colchester,

An act relating to penalties for possession of marijuana;
To the committee on Judiciary.

H. 151

By Rep. Donahue of Northfield,

An act relating to substitute medical decision-making;
To the committee on Human Services.

H. 152

By Reps. Bray of New Haven, Potter of Clarendon, Helm of Castleton, Adams of Hartland, Ainsworth of Royalton, Baker of West Rutland, Botzow of Pownal, Clarkson of Woodstock, Conquest of Newbury, Copeland-Hanzas of Bradford, Deen of Westminster, Frank of Underhill, Jerman of Essex, Jewett of Ripton, Johnson of Canaan, Larocque of Barnet, Lawrence of Lyndon, Leriche of Hardwick, Malcolm of Pawlet, Marcotte of Coventry, Masland of Thetford, McAllister of Highgate, McCullough of Williston, McDonald of Berlin, McNeil of Rutland Town, Nuovo of Middlebury, Orr of Charlotte, Partridge of Windham, Pellett of Chester, Peltz of Woodbury, Rodgers of Glover, Sharpe of Bristol, Stevens of Shoreham, Taylor of Barre City, Toll of Danville, Weston of Burlington, Winters of Williamstown and Zuckerman of Burlington,

An act relating to encouraging biomass energy production;
To the committee on Agriculture .

H. 153

By Reps. Jerman of Essex, Donahue of Northfield, Ancel of Calais, Atkins of Winooski, Bray of New Haven, Burke of Brattleboro, Cheney of Norwich, Consejo of Sheldon, Courcelle of Rutland City, Devereux of Mount Holly, Donovan of Burlington, Edwards of Brattleboro, Evans of Essex, Heath of Westford, Kitzmiller of Montpelier, Krawczyk of Bennington, Larson of Burlington, Leriche of Hardwick, Lorber of Burlington, Maier of Middlebury, Malcolm of Pawlet, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McAllister of Highgate, Milkey of Brattleboro, Minter of Waterbury, Mitchell of Barnard, Nuovo of Middlebury, O'Brien of Richmond, Partridge of

Windham, Rodgers of Glover, Shand of Weathersfield, Stevens of Shoreham, Trombley of Grand Isle and Waite-Simpson of Essex,

An act relating to the Agreement Among the States to Elect the President by National Popular Vote;

To the committee on Government Operations.

H. 154

By Rep. Rodgers of Glover,

An act relating to prohibiting public nudity on public land;

To the committee on General, Housing and Military Affairs.

Joint Resolution Adopted in Concurrence

J.R.S. 13.

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, February 6, 2009, it be to meet again no later than Tuesday, February 10, 2009.

Was taken up read and adopted in concurrence.

Joint Resolution Referred to Committee

J.R.S. 14

By Committee on Economic Development, Housing and General Affairs,

Joint Resolution Concerning the Protection of the Wilderness Civil War Battlefield, an Historic Site Important to the State of Vermont, the Commonwealth of Virginia, and all of the United States of America

Whereas, the Battle of The Wilderness, fought on May 5 and 6, 1864, was one of the largest and most important battles of the Civil War and the first confrontation between General Ulysses S. Grant and General Robert E. Lee, and

Whereas, this site, where more than 161,000 Americans were engaged and nearly 29,000 Americans became casualties, is hallowed ground, and

Whereas, the story of the Battle of The Wilderness is one of valor for both armies that fought there, and

Whereas, the First Vermont Brigade suffered 1,234 casualties on May 5 and 6 in defending the important intersection of the Brock Road and the Plank Road, and

Whereas, the State of Vermont has played an important role in the preservation of a key portion of the battlefield, specifically 500 acres within the southwest quadrant of the intersection where the Vermonters fought as part of George Getty's Sixth Corps Division, and

Whereas, Vermont has erected a Barre granite monument on that land in tribute to its sons who struggled there, and

Whereas, developers plan to construct a big box store, likely to attract ancillary stores, near the intersection of the historic Germanna Plank Road and the Orange Turnpike, on land used as a staging area during the battle, and near the entrance to the Fredericksburg and Spotsylvania National Military Park, and

Whereas, such a massive commercial enterprise in this largely rural area would have a negative effect on the entire Wilderness Battlefield by occupying historic ground, by making additional road construction and other improvements necessary, and by spurring additional development in and around the battlefield, much of which is preserved as part of the Fredericksburg and Spotsylvania National Military Park, and

Whereas, the Civil War Sites Advisory Commission has identified the proposed store site as part of The Wilderness Battlefield, and

Whereas, the battlefield certainly cannot be moved, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly of the State of Vermont respectfully asks that the commercial developers find an alternative location for their stores in an area farther from the battlefield that will not have a negative impact on an important historic area, *and be it further*

Resolved: That the Vermont General Assembly asks the Orange County (Virginia) Board of Supervisors to continue to protect the area designated as part of the battlefield, *and be it further*

Resolved: That the Vermont General Assembly asks the Governor of Virginia and the House and Senate of the Commonwealth for their assistance in this instance in lending strong support to protecting the historic ground of the Wilderness Battlefield that is so important to the history of our state, the Commonwealth of Virginia, and the entire nation, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Timothy Kaine of Virginia, Speaker of the Virginia House of Delegates William J. Howell, Virginia President of the Senate Lieutenant Governor William T. Bolling, President Pro Tempore of the Virginia Senate Charles J. Colgan, the Orange County (Virginia) Board of Supervisors, and to the Vermont Congressional Delegation and to Wal-Mart Stores, Inc. President and Chief Executive Officer H. Lee Scott.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the Committee on General, Housing and Military Affairs.

House Resolution Adopted

H.R. 7

House resolution, entitled

House resolution designating February 4, 2009 as "Vermont Wear Red Day"

Offered by: Representatives Minter of Waterbury, Acinapura of Brandon, Ancel of Calais, Andrews of Rutland City, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Branagan of Georgia, Bray of New Haven, Cheney of Norwich, Clarkson of Woodstock, Condon of Colchester, Courcelle of Rutland City, Deen of Westminster, Donovan of Burlington, Emmons of Springfield, French of Shrewsbury, French of Randolph, Geier of S. Burlington, Gilbert of Fairfax, Grad of Moretown, Head of S. Burlington, Howrigan of Fairfield, Jerman of Essex, Johnson of S. Hero, Keenan of St. Albans City, Klein of East Montpelier, Lenes of Shelburne, Leriche of Hardwick, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marek of Newfane, Martin of Wolcott, Masland of Thetford, McCullough of Williston, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Nease of Johnson, Nuovo of Middlebury, O'Brien of Richmond, Orr of Charlotte, Pellett of Chester, Peltz of Woodbury, Potter of Clarendon, Pugh of S. Burlington, Ram of Burlington, Shand of Weathersfield, Sharpe of Bristol, Smith of Mendon, South of St. Johnsbury, Spengler of Colchester, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll of Danville, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne, Weston of Burlington, Wilson of Manchester, Wizowaty of Burlington, Young of St. Albans City and Zenie of Colchester

Whereas, diseases of the heart are Vermont's and the nation's leading cause of death, and stroke ranks third, and

Whereas, cardiovascular diseases claim the lives of over 455,000 American females each year (about one death per minute), and

Whereas, each year, 53 percent of all deaths due to cardiovascular disease and 61 percent of stroke deaths occur in females, and

Whereas, in 2008, the estimated direct and indirect costs of cardiovascular disease and stroke in the United States are \$475.3 billion, and

Whereas, only 21 percent of women consider cardiovascular disease their greatest health risk, and

Whereas, February is designated as American Heart Month, and

Whereas, “Go Red for Women” is the American Heart Association's national call to increase awareness of heart disease and to inspire women to take charge of their cardiovascular health, now therefore be it

Resolved by the House of Representatives:

That this legislative body designates February 4, 2009 as “Vermont Wear Red Day” and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to Nicole M. Lukas at the Vermont American Heart Association Northeast Affiliate in Williston.

Which was read and adopted on the part of the House.

Judicial Nominating Board Elected

The Speaker nominated **Rep. Marek of Newfane, Rep. Pellett of Chester and Rep. Acinapura of Brandon** to the Judicial Nominating Board.

Rep. Lippert of Hinesburg moved the election of the candidates as nominated by the Speaker. Which was agreed to.

Joint Resolutions Adopted

Joint resolutions of the following titles were severally taken up and adopted on the part of the House;

J.R.S. 11

Joint resolution, entitled

Joint resolution providing for a Joint Assembly for the election of a Sergeant-at-Arms, an Adjutant and Inspector General and three Trustees of the University of Vermont and State Agricultural College.

J.R.S. 12

Joint resolution, entitled

Joint resolution establishing procedure for the conduct of the election of UVM Trustees by plurality vote by the General Assembly in 2009.

**Joint Legislative Government
Accountability Committee**

Rep. Sweaney of Windsor
Rep. Evans of Essex
Rep. Obuchowski of Rockingham
Rep. McDonald of Berlin

**Northeast Legislative Association on
Prescription Drug Pricing**

Rep. Copeland-Hanzas of Bradford
Rep. Wheeler of Derby
Rep. Wizowaty of Burlington

Judicial Retention

Rep. Jewett of Ripton
Rep. Clarkson of Woodstock
Rep. Flory of Pittsford
Rep. Martin of Springfield

Judicial Rules

Rep. Lippert of Hinesburg
Rep. Kilmartin of Newport City
Rep. Haas of Rochester
Rep. Grad of Moretown

Judicial Nominating

Rep. Marek of Newfane
Rep. Pellett of Chester
Rep. Acinapura of Brandon

Criminal Justice Cabinet

Rep. Lippert of Hinesburg

Adjournment

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