

# Journal of the House

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**Friday, February 13, 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 Mr. Roy Hill, Trustee of the Vermont Ecumenical Council and Bible Society.

## **Colors Presented**

Colors were presented by Troop 645 of the Green Mountain Council, Huntington, Vermont, Colorguard:

Owen Rachampbell  
Abbot Rachempbell  
Devon Mendecino  
Atticus Cullinan  
Isaiah Gilbert  
Michael Gilbert

## **Pages Honored**

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Anna Abrams of Montpelier  
Stanford Attig of Barre Town  
Greer Cowan of Westminster  
Sarah Faber of Middlesex  
Katie Hango of South Burlington  
Mariah Hay of Fairlee  
Lucy Hilgendorf of Barre Town  
Daniel Hoyne-Grosvenor of Cabot  
Taylor Murray of Middlesex  
Mackenzie St. Onge of Stowe

## **House Bills Introduced**

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

**H. 211**

By Reps. Obuchowski of Rockingham and Partridge of Windham,  
An act relating to establishing the Vermont Hydroelectric Power Authority;  
To the committee on Natural Resources and Energy.

**H. 212**

By Rep. Sweaney of Windsor,  
An act relating to regulation of hospitals and health care facilities;  
To the committee on Health Care.

**H. 213**

By Reps. Ram of Burlington, Ancel of Calais, Botzow of Pownal, Bray of New Haven, Donovan of Burlington, Hooper of Montpelier, Klein of East Montpelier, Lorber of Burlington, Mitchell of Barnard, Moran of Wardsboro, Shand of Weathersfield, Smith of Mendon, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Till of Jericho, Waite-Simpson of Essex, Webb of Shelburne, Weston of Burlington, Wizowaty of Burlington and Zuckerman of Burlington,

An act to provide fairness to tenants in cases of contested housing security deposit withholding;

To the committee on General, Housing and Military Affairs.

**H. 214**

By Rep. Pugh of S. Burlington,  
An act relating to expanding eligibility for fuel assistance;  
To the committee on Human Services.

**H. 215**

By Reps. Cheney of Norwich, Edwards of Brattleboro and Weston of Burlington,

An act relating to protection of utilities against disallowance of costs associated with long-term, fixed price contracts for renewable energy approved by the Public Service Board;

To the committee on Natural Resources and Energy.

**H. 216**

By Rep. Branagan of Georgia,

An act relating to the missing person tipster fund;

To the committee on Human Services.

**H. 217**

By Rep. Ram of Burlington,

An act relating to decreasing the penalties for possession of small amounts of marijuana;

To the committee on Judiciary.

**Bill Amended, Read Third Time and Passed**

**H. 24**

House bill, entitled

An act relating to insurance coverage for colorectal cancer screening

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

First: In Sec. 2, by adding a subsection (e) to read:

(e) Notwithstanding the provisions of subsections 4513(c), 4584(c), and 5104(b) of this title, no health care professional, hospital, or other health care provider shall charge a patient or insurer for colorectal cancer screening in excess of an amount ten percent greater than the fee schedule amount paid for colorectal cancer screening under the Medicare program in 2009. Payments based on Medicare methodologies under this subsection shall be indexed to the Medicare economic index developed annually by the Centers for Medicare and Medicaid Services.

Second: By striking Sec. 4 and renumbering the remaining Secs. to be numerically correct

Which was disagreed to to.

Pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

By adding a subsection (e) to read:

(e) If determined to be permitted by Centers for Medicare and Medicaid Services for a patient covered under the Medicare program, the patient's out-of-pocket expenditure for a colorectal cancer screening shall not exceed \$25.00, with the hospital or other health care facility where the screening is performed absorbing the difference between the Medicare payment and the Medicare negotiated rate for the screening.

Pending the question, Shall the House amend the bill as recommended by Rep. Donahue of Northfield? **Rep. Kilmartin of Newport City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Thereupon, **Rep. Kilmartin of Newport City** asked and was granted leave of the House to withdraw his request for a roll call vote.

Thereupon, the amendment offered by Rep. Donahue of Northfield was agreed to and the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Leriche of Hardwick** 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 pass? was decided in the affirmative. Yeas, 104. Nays, 35.

Those who voted in the affirmative are:

Ancel of Calais	Heath of Westford	Myers of Essex
Andrews of Rutland City	Helm of Castleton	Nuovo of Middlebury
Atkins of Winooski	Hooper of Montpelier	O'Brien of Richmond
Audette of S. Burlington	Howard of Rutland City	Obuchowski of Rockingham
Bissonnette of Winooski	Howrigan of Fairfield	Partridge of Windham
Bohi of Hartford	Jerman of Essex	Pellett of Chester
Botzow of Pownal	Jewett of Ripton	Peltz of Woodbury
Bray of New Haven	Johnson of S. Hero	Poirier of Barre City
Brennan of Colchester	Keenan of St. Albans City	Potter of Clarendon
Browning of Arlington	Kitzmiller of Montpelier	Pugh of S. Burlington
Burke of Brattleboro	Klein of East Montpelier	Ram of Burlington
Canfield of Fair Haven	Krawczyk of Bennington	Rodgers of Glover
Cheney of Norwich	Lanpher of Vergennes	Shand of Weathersfield
Clarkson of Woodstock	Larson of Burlington	Sharpe of Bristol
Condon of Colchester	Lenes of Shelburne	Smith of Mendon
Conquest of Newbury	Leriche of Hardwick	South of St. Johnsbury
Consejo of Sheldon	Lippert of Hinesburg	Spengler of Colchester
Copeland-Hanzas of Bradford	Lorber of Burlington	Stevens of Waterbury
Courcelle of Rutland City	Macaig of Williston	Sweaney of Windsor
Deen of Westminster	Maier of Middlebury	Taylor of Barre City
Devereux of Mount Holly	Malcolm of Pawlet	Till of Jericho
Donovan of Burlington	Marek of Newfane	Toll of Danville
Edwards of Brattleboro	Martin of Springfield	Townsend of Randolph
Emmons of Springfield	Martin of Wolcott	Trombley of Grand Isle
Evans of Essex	Masland of Thetford	Turner of Milton
Fisher of Lincoln	McCullough of Williston	Waite-Simpson of Essex
Frank of Underhill	McFaun of Barre Town	Webb of Shelburne
French of Shrewsbury	Milkey of Brattleboro	Weston of Burlington
French of Randolph	Miller of Shaftsbury	Wheeler of Derby
Geier of S. Burlington	Minter of Waterbury	Wilson of Manchester
Gilbert of Fairfax	Mitchell of Barnard	Wizowaty of Burlington
Grad of Moretown	Mook of Bennington	Young of St. Albans City
Greshin of Warren	Moran of Wardsboro	Zenie of Colchester

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Haas of Rochester	Morrissey of Bennington	Zuckerman of Burlington
Head of S. Burlington	Mrowicki of Putney	

Those who voted in the negative are:

Acinapura of Brandon	Flory of Pittsford	McDonald of Berlin
Adams of Hartland	Higley of Lowell	McNeil of Rutland Town
Ainsworth of Royalton	Hube of Londonderry	Morley of Barton
Baker of West Rutland	Hubert of Milton	O'Donnell of Vernon
Branagan of Georgia	Johnson of Canaan	Pearce of Richford
Clark of Vergennes	Kilmartin of Newport City *	Peaslee of Guildhall
Clerkin of Hartford	Koch of Barre Town *	Perley of Enosburg
Crawford of Burke	Komline of Dorset	Savage of Swanton
Dickinson of St. Albans Town	Larocque of Barnet	Scheuermann of Stowe
Donaghy of Poultney	Lawrence of Lyndon	Westman of Cambridge
Donahue of Northfield	Marcotte of Coventry	Winters of Williamstown
Fagan of Rutland City	McAllister of Highgate	

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

Aswad of Burlington	Manwaring of Wilmington	Stevens of Shoreham
Corcoran of Bennington	Nease of Johnson	Wright of Burlington
Davis of Washington	Orr of Charlotte	
Lewis of Derby	Reis of St. Johnsbury	

**Rep. Kilmartin of Newport City** explained his as follows:

“Mr. Speaker:

I vote no for several reasons: the bill limits patient and physician choice; the bill freezes colorectal screening to two soon-to-be outmoded screening modalities; it ignores real cost effective combined preventative and diagnostic tests that are in the pipeline; it creates cost shifts which are nothing more than secret taxes. It is an excellent example of “flat earth” medicine imposed by a political agenda unrelated to the needs of the patient.”

**Rep. Koch of Barre Town** explained his as follows:

“Mr. Speaker:

This bill, well-intentioned though it is, takes us in precisely the wrong direction. It both raises the overall cost of health care and aggravates the cost shift.”

### Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

#### H. 28

House bill, entitled

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An act relating to temporary wastewater system permits

**H. 31**

House bill, entitled

An act relating to approval of amendments to the charter of the town of Williston;

**H. 64**

House bill, entitled

An act relating to eligibility for the state youth hunting programs.

**Joint Resolution Adopted in Concurrence**

**J.R.S. 14**

Joint resolution, entitled

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

Was taken up, read the third time and adopted in concurrence.

**House Resolution Adopted**

**H.R. 9**

House resolution, entitled

House resolution urging Congress to adopt a system of universal health care

Which was taken up and adopted on the part of the House.

**Message from the Senate No. 16**

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 resolution of the following title:

**J.R.S. 17.** Joint resolution requesting the Department of Health to complete and update its study on the relationship of the closed Vermont Asbestos Group mine in the towns of Eden and Lowell to occurrences of asbestos-related illness.

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

**Adjournment**

At eleven o'clock and twenty minutes In the forenoon, on motion of **Rep. Komline of Dorset**, the House adjourned until Tuesday, February 17, 2009, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 16.