

# Journal of the House

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Thursday, March 19, 2009

**Rep. Jewett of Ripton** in Chair.

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

## Devotional Exercises

Devotional exercises were conducted by Mr. Roy Hill, Trustee of Vermont Ecumenical Council and Bible Society.

## House Bill Introduced

### H. 429

By Reps. Masland of Thetford, Cheney of Norwich and Stevens of Shoreham,

An act relating to a tuition credit for students in agricultural programs;

To the committee on Education.

## Joint Resolution Adopted

### J.R.H. 13

Joint resolution urging Congress to support the International Violence Against Women Act

Offered by: Representatives Ram of Burlington, Ancel of Calais, Baker of West Rutland, Clarkson of Woodstock, Conquest of Newbury, Corcoran of Bennington, Courcelle of Rutland City, Evans of Essex, Fisher of Lincoln, French of Shrewsbury, French of Randolph, Geier of South Burlington, Heath of Westford, Hooper of Montpelier, Howard of Rutland City, Jewett of Ripton, Johnson of Canaan, Klein of East Montpelier, Lanpher of Vergennes, Lorber of Burlington, Malcolm of Pawlet, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Miller of Shaftsbury, Minter of Waterbury, Mitchell of Barnard, Mook of Bennington, Nuovo of Middlebury, Orr of Charlotte, Partridge of Windham, Peltz of Woodbury, Pugh of South Burlington, Smith of Mendon, South of St. Johnsbury, Stevens of Waterbury, Sweaney of Windsor, Toll of Danville, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne, Wizowaty of Burlington and Zenie of Colchester

Whereas, since 1996, the eastern region of the Democratic Republic of the Congo has been the epicenter of the deadliest war since World War II, leading to the deaths of nearly six million people, and

Whereas, combatants on all sides routinely use rape and sexual violence as a weapon to destroy women, families, and communities, and over 200,000 women have been raped in the course of combat, and

Whereas, Vermont is home to 175 new families from the Democratic Republic of the Congo, many of them from areas that remain embattled in conflict, and

Whereas, rape is unfortunately a not-uncommon event here in Vermont, and Congolese women share the grief Vermont women experience, but rape in a war situation forces additional levels of trauma upon women, including being gang raped, enduring the violence in a family situation with their children and husbands serving as forced onlookers, and the lack of any medical care, and

Whereas, however, the international community has failed to sanction the looting of the Democratic Republic of the Congo's spectacular wealth, and consequently, poverty in this nation is extremely high, and 80 percent of the population lives on 30 cents or less per day, and

Whereas, the International Violence Against Women Act that Vice President Biden introduced while in the U.S. Senate, and that Representative Howard Berman of California introduced in the U.S. House of Representatives, will be reintroduced in Congress during the coming weeks, and it would establish in the Department of State an Advisory Commission on International Violence Against Women, and

Whereas, the bill would among other directives provide that foreign assistance programs, as well as U.S. training of foreign military and police forces, include measures designed to prevent violence against women, and

Whereas, assistance to reduce violence against women would be beneficial for many countries but it is desperately needed in the Democratic Republic of the Congo, and

Whereas, enactment of the International Violence Against Women Act would provide both political support and tangible assistance to the struggling women of the Democratic Republic of the Congo, and

Whereas, U.S. Senator Leahy has also included funding in appropriations legislation to assist women and girls who are victims of sexual violence in the Democratic Republic of the Congo, and to train and support prosecutors and judges who handle these cases, and

Whereas, Congokazi Vermont is an organization of women in Vermont who came from the Democratic Republic of the Congo, and who are fighting to end sexual violence being perpetrated against women and children in their native country, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to support the International Violence Against Women Act and to include the Democratic Republic of the Congo among those nations specifically targeted to be assisted in the effort to stop this egregious violence, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to the Vermont Congressional Delegation and Congokazi Vermont.

Was taken up and adopted on the part of the House.

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 161**

**Rep. Sweaney of Windsor** moved that the committee on Government Operations be relieved of House bill, entitled

An act relating to clean energy assessment districts

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

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

**H. 83**

House bill, entitled

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

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

By striking Sec. 8 in its entirety and inserting in lieu thereof the following:

Sec. 8. PETROLEUM CLEANUP FUND ADVISORY COMMITTEE  
STUDY

(a) The petroleum cleanup fund advisory committee, in consultation with the Vermont departments of taxes and of motor vehicles, shall determine whether the fees assessed pursuant to subsections 1942(a) and (b) of Title 10 should be collected by the department of motor vehicles or the department of taxes, develop a plan for implementing a single-agency collection, and present the plan to the general assembly on or before October 10, 2009.

(b) The petroleum cleanup fund advisory committee shall examine how disbursements from the petroleum cleanup fund are authorized when an owner or operator of an underground storage tank removes a tank for inspection.

replacement, or remediation. The committee shall review whether an owner or operator of an underground storage tank should be compensated the maximum eligible amount for expenses related to remediation when contamination is identified and such contamination was caused by a prior spill or leaking underground storage tank that previous remediation failed to address. A summary of the advisory committee's discussion and its recommendations under this subsection shall be included in the 2010 annual report submitted to the general assembly.

Which was agreed to to. Thereupon, the bill was read the third time and passed.

### **Third Reading; Bill Passed**

#### **H. 135**

House bill, entitled

An act relating to wireless communication facilities and project approvals for municipal and cooperative utilities

Was taken up, read the third time and passed.

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

#### **H. 145**

House bill, entitled

An act relating to composting

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

By inserting a Sec. 6 to read as follows:

#### **Sec. 6. NATURAL RESOURCES BOARD RULEMAKING**

On or before July 1, 2009, the natural resources board shall initiate rulemaking to identify activities or categories of activities that should be exempt from the permitting requirement of 10 V.S.A. chapter 151 because such activities provide the same or similar environmental benefit and economic value as composting to the state of Vermont. Prior to filing a final proposal of rules under section 841 of Title 3, the natural resources board shall submit the rules to the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy.

Thereupon, **Rep. Turner of Milton** asked and was granted leave of the House to withdraw his amendment.

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

In Sec. 5 by striking the second sentence of subsection (a) in its entirety and inserting in lieu thereof the following:

“The committee shall issue a final report of its findings to the house committee on fish, wildlife and water resources, the house and senate committees on natural resources and energy, and the house and senate committees on agriculture by January 15, 2010.”

Which was agreed to.

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

By inserting Sec. 2a to read as follows:

Sec 2a. 10 V.S.A. § 6086(a)(11) is added to read:

(11) In addition to all other applicable criteria, the commission, in evaluating a permit application, shall consider the economic, social, cultural, recreational, or other benefit from the development or subdivision.

**Rep. Deen of Westminster** raised a Point of Order in that the amendment was not germane to the bill, which point of order the Speaker ruled not well taken in that both the bill and the amendment deal with Act 250.

Pending the question, Shall the bill be amended as offered by Rep. Scheuermann of Stowe? **Rep. Winters of Williamstown** 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 amended as offered by Rep. Scheuermann of Stowe? was decided in the negative. Yeas, 36. Nays, 98.

Those who voted in the affirmative are:

Acinapura of Brandon	Helm of Castleton	Morrissey of Bennington
Ainsworth of Royalton	Higley of Lowell	Myers of Essex
Brennan of Colchester	Hube of Londonderry	O'Donnell of Vernon
Clark of Vergennes	Hubert of Milton	Pearce of Richford
Clerkin of Hartford	Komline of Dorset	Peaslee of Guildhall
Crawford of Burke	Larocque of Barnet	Perley of Enosburg
Devereux of Mount Holly	Lawrence of Lyndon	Reis of St. Johnsbury
Dickinson of St. Albans Town	Marcotte of Coventry	Scheuermann of Stowe
Donaghy of Poultney	McAllister of Highgate	Turner of Milton
Donahue of Northfield	McDonald of Berlin	Westman of Cambridge
Flory of Pittsford	McFaun of Barre Town	Winters of Williamstown
Greshin of Warren	McNeil of Rutland Town	
	Morley of Barton	

Those who voted in the negative are:

Adams of Hartland	French of Randolph	Minter of Waterbury
Ancel of Calais	Geier of South Burlington	Mook of Bennington
Andrews of Rutland City	Gilbert of Fairfax	Mrowicki of Putney
Aswad of Burlington	Grad of Moretown	Nuovo of Middlebury
Atkins of Winooski	Haas of Rochester	O'Brien of Richmond
Audette of South Burlington	Heath of Westford	Obuchowski of Rockingham
Bissonnette of Winooski	Hooper of Montpelier	Partridge of Windham
Bohi of Hartford	Howard of Rutland City	Pellett of Chester
Botzow of Pownal	Howrigan of Fairfield	Peltz of Woodbury
Branagan of Georgia	Jerman of Essex	Poirier of Barre City
Bray of New Haven	Johnson of South Hero	Potter of Clarendon
Browning of Arlington	Keenan of St. Albans City	Pugh of South Burlington
Burke of Brattleboro	Kitzmiller of Montpelier	Ram of Burlington
Canfield of Fair Haven	Klein of East Montpelier	Rodgers of Glover
Cheney of Norwich	Koch of Barre Town	Shand of Weathersfield
Clarkson of Woodstock	Krawczyk of Bennington	Sharpe of Bristol
Condon of Colchester	Lanpher of Vergennes	Smith of Mendon
Conquest of Newbury	Larson of Burlington	Spengler of Colchester
Consejo of Sheldon	Lenes of Shelburne	Stevens of Shoreham
Copeland-Hanzas of Bradford	Leriche of Hardwick	Sweaney of Windsor
Corcoran of Bennington	Lewis of Derby	Taylor of Barre City
Courcelle of Rutland City	Lippert of Hinesburg	Till of Jericho
Davis of Washington	Lorber of Burlington	Toll of Danville
Deen of Westminster	Macaig of Williston	Townsend of Randolph
Donovan of Burlington	Maier of Middlebury	Waite-Simpson of Essex
Edwards of Brattleboro	Malcolm of Pawlet	Webb of Shelburne
Emmons of Springfield	Marek of Newfane	Wheeler of Derby
Evans of Essex	Martin of Springfield	Wilson of Manchester
Fagan of Rutland City	Martin of Wolcott	Wizowaty of Burlington
Fisher of Lincoln	Masland of Thetford	Wright of Burlington
Frank of Underhill	McCullough of Williston	Young of St. Albans City
French of Shrewsbury	Milkey of Brattleboro	Zenie of Colchester
	Miller of Shaftsbury	Zuckerman of Burlington

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

Baker of West Rutland	Mitchell of Barnard	Smith of Morristown
Head of South Burlington	Moran of Wardsboro	South of St. Johnsbury
Johnson of Canaan	Nease of Johnson	Stevens of Waterbury
Kilmartin of Newport City	Orr of Charlotte	Trombley of Grand Isle
Manwaring of Wilmington	Savage of Swanton	Weston of Burlington

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

### **Bill Read Second Time; Third Reading Ordered**

#### **H. 348**

**Rep. Toll of Danville** spoke for the committee on Agriculture.

House bill entitled

An act relating to the Interstate Pest Control Compact;

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Bill Read Second Time; Third Reading Ordered**

**H. 427**

**Rep. Mook of Bennington** spoke for the committee on Education.

House bill entitled

An act relating to making miscellaneous amendments to education law

Having appeared on the Calendar one day for notice, was taken up, and pending the question, Shall the bill be read the third time? **Rep. Donovan of Burlington** moved to amend the bill as follows:

In Sec. 22 by striking subsection (c) in its entirety and inserting in lieu thereof two new subsections to read:

(c) Sec. 13 of this act shall apply retroactively to proposed school district budgets for the 2009–2010 academic year and after.

(d) Sec. 14 of this act shall apply to proposed school district budgets for the 2010–2011 academic year and after.

Which was agreed to.

Pending the question, Shall the bill be read the third time? **Rep. Botzow of Pownal** moved to amend the bill as follows:

By adding a Sec. 2a to read:

Sec. 2a. 17 V.S.A. § 2647 is amended to read:

§ 2647. INCOMPATIBLE OFFICES

(a) An auditor shall not be town clerk, town treasurer, selectman, first constable, collector of current or delinquent taxes, trustee of public funds, town manager, road commissioner, water commissioner, sewage system commissioner, sewage disposal commissioner, or town district school director; nor shall a spouse of or any person assisting any of these officers in the discharge of ~~their~~ official duties be eligible to hold office as auditor. A selectman or school director shall not be first constable, collector of taxes, town treasurer, auditor, or town agent. A selectman shall not be lister. A town manager shall not hold any elective office in the town or town school district. Election officers at local elections shall be disqualified as provided in section 2456 of this title.

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(b) Notwithstanding subsection (a) of this section, if a school district prepares and reports its budget independently from the budget of the town and the school district is audited by an independent public accountant, a person shall be eligible to hold office as auditor even if that person's spouse holds office as a school director.

Which was agreed to and third reading of the bill was ordered.

### **Action on Resolution Postponed**

#### **J.R.S. 22**

Joint resolution, entitled

Joint resolution providing for a Joint Assembly to vote on the retention of three Superior Judges, and one District Judge;

The Senate has concurred in the House proposal of amendment with a further proposal of amendment thereto as follows:

By striking the following: "ten o'clock" and inserting in lieu thereof the following: eight o'clock

Pending the question, Shall the House adopt the Senate proposal of amendment? on motion of **Rep. Flory of Pittsford**, action on the bill was postponed until the next legislative day.

### **Adjournment**

At three o'clock and ten 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.