

# Journal of the House

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**Friday, March 27, 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 the Speaker.

## **House Bill Introduced**

### **H. 439**

Rep. Cheney of Norwich introduced a bill, entitled

An act relating to prohibiting a person from inheriting through the person's homicide victim;

Which was read the first time and referred to the committee on Judiciary.

## **Bill Referred to Committee on Appropriations**

### **H. 438**

House bill, entitled

An act relating to the state's transportation program

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

## **Joint Resolution Placed on Calendar**

### **J.R.H. 16**

Joint resolution designating April as Fair Housing Month in Vermont

Offered by: Representatives Head of South Burlington and Ram of Burlington

Whereas, the right to dwell wherever any individual wishes without regard to race, religion, national origin, gender, or age was not historically enshrined in federal law, and

Whereas, for generations, millions of Americans were denied the housing of their choice because of one of these factors, and

Whereas, despite the United States Supreme Court's prohibition in 1948 of judicial enforcement of restrictive covenants in the case of Shelley v Kraemer,

discriminatory housing policies in neighborhoods, or even entire communities, continued to be legal if privately enforced, and

Whereas, by the middle 1960s, following Congress' passage of both the Civil Rights Act of 1964 and the Voting Rights Act of 1965, housing discrimination remained a barrier in both the rental and sales markets, and

Whereas, the open housing marches that the Rev. Dr. Martin Luther King Jr. led in Chicago in 1966, his assassination on April 4, 1968, and the riots that flowed in its wake proved the catalyst that finally persuaded Congress of the necessity to enact federal fair housing legislation, and

Whereas, Congress responded with unusual haste to President Johnson's urgent appeal, and, within days, on April 11, 1968, he signed the Civil Rights Act of 1968, Title VIII of which is known as the Fair Housing Act, and

Whereas, the legislative breakthrough achieved in this act began a process of guaranteeing that individuals could rent or purchase a home without regard to their religion, race, age, or gender, and, as the act was later amended, disability, and

Whereas, in observance of the signing of the Fair Housing Act of 1968, many jurisdictions are designating April as Fair Housing Month in order both to remember the passage of this historic legislation and to renew the commitment to fair and open housing for all Americans, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates April as Fair Housing Month in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Human Rights Commission.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

### **Action on Bill Postponed**

#### **H. 213**

House bill, entitled

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

Was taken up and pending third reading of the bill, on motion of **Rep. Head of South Burlington**, action on the bill was postponed until April 1, 2009.

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**Bill Amended, Read Third Time and Passed****H. 435**

House bill, entitled

An act relating to palliative care

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

First: In Sec. 3, 18 V.S.A. § 1871, by adding a subsection (f) to read:

(f) Upon admission to a hospital in this state, a patient has the right to be informed of and receive a list of all physicians credentialed at the hospital who received training in palliative care and pain management within the last five years. In addition, all patients have the right to access on the website of the department of health an updated list of the physicians licensed in this state who received training in palliative care and pain management within the last five years.

Second: By inserting a new Sec. 4 to read:

Sec. 4. DEPARTMENT OF HEALTH WEBSITE

The department of health shall maintain on its website a list, to be updated at least once every three months, of the physicians licensed in this state who received training in palliative care and pain management within the last five years.

Third: By striking the existing Sec. 18 in its entirety and inserting in lieu thereof the following:

Sec. 18. 26 V.S.A. § 1400 is amended to read:

§ 1400. RENEWAL OF LICENSE; CONTINUING EDUCATION

(a) Every person licensed to practice medicine and surgery by the board shall apply biennially for the renewal of his or her license. One month prior to the date on which renewal is required, the board shall send to each licensee a license renewal application form and notice of the date on which the existing license will expire. On or before the renewal date, the licensee shall file an application for license renewal and pay the required fee. The board shall register the applicant and issue the renewal license. Within one month following the date renewal is required, the board shall pay the license renewal fees into the medical practice board special fund and shall file a list of licensees with the department of health.

(b) As a condition of renewal, a licensee, during the preceding two-year period, shall have completed a minimum of four hours of continuing medical education, approved by the board by rule, in the fields of palliative care or pain management or both.

(c) A person who practices medicine and surgery and who fails to renew his or her license in accordance with the provisions of this section shall be deemed an illegal practitioner and shall forfeit the right to so practice or to hold himself or herself out as a person licensed to practice medicine and surgery in the state until reinstated by the board, but nevertheless a person who was licensed to practice medicine and surgery at the time of his or her induction, call on reserve commission or enlistment into the armed forces of the United States, shall be entitled to practice medicine and surgery during the time of his or her service with the armed forces of the United States and for 60 days after separation from such service.

~~(e)~~(d) Any person who allows a license to lapse by failing to renew the same in accordance with the provisions of this section may be reinstated by the board by payment of the renewal fee and the late renewal penalty.

and by renumbering the bill sections to be numerically correct.

Pending the question, Shall the House amend the bill as recommended by Rep. McAllister of Highgate? **Rep. Frank of Underhill** asked that the question be divided and the first and second recommendations of amendment be taken up first.

Thereupon, the first and second recommendations of amendment were agreed to.

**Rep. McAllister of Highgate** asked and was granted leave of the House to withdraw his third recommendation of amendment.

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

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

#### **H. 436**

House bill, entitled

An act relating to decommissioning and decommissioning funds of nuclear energy generation plants

Was taken up, and pending the question, Shall the bill be read the third time? **Rep. Fagan of Rutland City** moved to commit the bill to the committee on Judiciary.

Pending the question, Shall the bill be committed to the Committee on Judiciary? **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 committed to the Committee on Judiciary? was decided in the negative. Yeas, 40. Nays, 102.

Those who voted in the affirmative are:

Acinapura of Brandon	Flory of Pittsford	McNeil of Rutland Town
Adams of Hartland	Helm of Castleton	Morley of Barton
Ainsworth of Royalton	Higley of Lowell	Morrissey of Bennington
Baker of West Rutland	Hube of Londonderry	Myers of Essex
Brennan of Colchester	Hubert of Milton	O'Donnell of Vernon
Canfield of Fair Haven	Johnson of Canaan	Pearce of Richford
Clerkin of Hartford	Kilmartin of Newport City	Peaslee of Guildhall
Crawford of Burke	Komline of Dorset	Reis of St. Johnsbury
Devereux of Mount Holly	Larocque of Barnet	Savage of Swanton
Dickinson of St. Albans Town	Lawrence of Lyndon	Scheuermann of Stowe
Donaghy of Poultney	Lewis of Derby	Turner of Milton
Donahue of Northfield	McAllister of Highgate	Wheeler of Derby
Fagan of Rutland City	McDonald of Berlin	Winters of Williamstown
	McFaun of Barre Town	

Those who voted in the negative are:

Ancel of Calais	Edwards of Brattleboro	Larson of Burlington
Andrews of Rutland City	Emmons of Springfield	Lenes of Shelburne
Aswad of Burlington	Evans of Essex	Leriche of Hardwick
Atkins of Winooski	Fisher of Lincoln	Lippert of Hinesburg
Audette of South Burlington	Frank of Underhill	Lorber of Burlington
Bissonnette of Winooski	French of Shrewsbury	Macaig of Williston
Bohi of Hartford	French of Randolph	Maier of Middlebury
Botzow of Pownal	Geier of South Burlington	Malcolm of Pawlet
Branagan of Georgia	Gilbert of Fairfax	Manwaring of Wilmington
Bray of New Haven	Grad of Moretown	Marek of Newfane
Browning of Arlington	Greshin of Warren	Martin of Springfield
Burke of Brattleboro	Haas of Rochester	Martin of Wolcott
Cheney of Norwich	Head of South Burlington	Masland of Thetford
Clark of Vergennes	Heath of Westford	McCullough of Williston
Clarkson of Woodstock	Hooper of Montpelier	Milkey of Brattleboro
Condon of Colchester	Howard of Rutland City	Miller of Shaftsbury
Conquest of Newbury	Howrigan of Fairfield	Minter of Waterbury
Consejo of Sheldon	Jerman of Essex	Mitchell of Barnard
Copeland-Hanzas of Bradford	Jewett of Ripton	Mook of Bennington
Corcoran of Bennington	Johnson of South Hero	Moran of Wardsboro
Courcelle of Rutland City	Keenan of St. Albans City	Mrowicki of Putney
Davis of Washington	Kitzmiller of Montpelier	Nease of Johnson
Deen of Westminster	Klein of East Montpelier	Nuovo of Middlebury
Donovan of Burlington	Krawczyk of Bennington	Obuchowski of Rockingham
	Lanpher of Vergennes	Orr of Charlotte

Partridge of Windham	Spengler of Colchester	Westman of Cambridge
Pellett of Chester	Stevens of Waterbury	Weston of Burlington
Peltz of Woodbury	Stevens of Shoreham	Wilson of Manchester
Potter of Clarendon	Sweaney of Windsor	Wizowaty of Burlington
Pugh of South Burlington	Taylor of Barre City	Wright of Burlington
Ram of Burlington	Till of Jericho	Young of St. Albans City
Rodgers of Glover	Toll of Danville	Zenie of Colchester
Sharpe of Bristol	Townsend of Randolph	Zuckerman of Burlington
Smith of Mendon	Waite-Simpson of Essex	
South of St. Johnsbury	Webb of Shelburne	

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

Koch of Barre Town	Perley of Enosburg	Trombley of Grand Isle
Marcotte of Coventry	Poirier of Barre City	
O'Brien of Richmond	Shand of Weathersfield	

Pending the question, Shall the bill pass? **Rep. Komline of Dorset** 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, 93. Nays, 46.

Those who voted in the affirmative are:

Ancel of Calais	Frank of Underhill	Malcolm of Pawlet
Andrews of Rutland City	French of Shrewsbury	Manwaring of Wilmington
Aswad of Burlington	French of Randolph	Marek of Newfane
Atkins of Winooski	Geier of South Burlington	Martin of Springfield
Bissonnette of Winooski	Gilbert of Fairfax	Martin of Wolcott
Bohi of Hartford	Grad of Moretown	Masland of Thetford
Botzow of Pownal	Haas of Rochester	McCullough of Williston *
Bray of New Haven	Head of South Burlington	Milkey of Brattleboro
Burke of Brattleboro	Heath of Westford	Miller of Shaftsbury
Cheney of Norwich	Hooper of Montpelier	Minter of Waterbury
Clarkson of Woodstock	Howard of Rutland City	Mitchell of Barnard
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Davis of Washington	Lanpher of Vergennes	Orr of Charlotte
Deen of Westminster	Larson of Burlington	Partridge of Windham
Donovan of Burlington	Lenes of Shelburne	Pellett of Chester
Edwards of Brattleboro	Leriche of Hardwick	Peltz of Woodbury
Emmons of Springfield	Lippert of Hinesburg	Potter of Clarendon
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	Maier of Middlebury	Rodgers of Glover

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Smith of Mendon	Till of Jericho	Wizowaty of Burlington
South of St. Johnsbury	Toll of Danville	Young of St. Albans City
Spengler of Colchester	Townsend of Randolph	Zenie of Colchester
Stevens of Waterbury	Waite-Simpson of Essex	Zuckerman of Burlington
Stevens of Shoreham	Webb of Shelburne	
Sweaney of Windsor	Weston of Burlington	

Those who voted in the negative are:

Acinapura of Brandon	Fagan of Rutland City	McFaun of Barre Town
Adams of Hartland	Flory of Pittsford	McNeil of Rutland Town
Ainsworth of Royalton	Greshin of Warren	Morley of Barton
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Branagan of Georgia	Howrigan of Fairfield	O'Donnell of Vernon *
Brennan of Colchester	Hubert of Milton	Pearce of Richford
Canfield of Fair Haven	Johnson of Canaan	Peaslee of Guildhall
Clark of Vergennes	Keenan of St. Albans City	Reis of St. Johnsbury
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Koch of Barre Town	Poirier of Barre City	
Marcotte of Coventry	Shand of Weathersfield	

**Rep. McCullough of Williston** explained his vote as follows:

“Mr. Speaker:

With my yes vote I potentially give our children, grandchildren and great grandchildren several billions of dollars of decommission costs that would otherwise be charged to them.”

**Rep. O'Donnell of Vernon** explained her vote as follows:

“Mr. Speaker:

It amazes me that in these economic times we are willing to pass a bill that breaks a contract we the state agreed to without any idea or testimony about its legal ramifications. This bill has the potential of costing us millions of dollars. If you think we have a deficit problem now, just wait.”

**Joint Resolution Adopted****J.R.H. 15**

Joint resolution, entitled

Joint resolution relating to the designation of commemorative observances in concurrent resolutions;

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

**Adjournment**

At eleven o'clock and fifteen minutes in the forenoon, on motion of **Rep. McDonald of Berlin**, the House adjourned until Monday, March 30, 2009 at one o'clock in the afternoon.