

Journal of the House

Wednesday, April 22, 2009

Rep. Leriche of Hardwick in Chair.

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Senate Bill Introduced

S. 54

Senate bill, entitled

An act relating to clean energy assessment districts;

Was taken up, read the first time and referred to the committee on Natural Resources and Energy.

Bill Referred to Committee on Ways and Means

S. 94

Senate bill, entitled

An act relating to licensing state forestland for maple sugar production

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

Joint Resolution Adopted in Concurrence

J.R.S. 30

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 24, 2009, it be to meet again no later than Tuesday, April 28, 2009.

Was taken up read and adopted in concurrence.

Committee Relieved of Consideration and Bill Committed to Other Committee

S. 19

Rep. Deen of Westminster moved that the committee on Rules be relieved of Senate bill, entitled

An act relating to extension of filing deadlines for homestead declarations and property tax adjustment claims

And that the bill be committed to the committee on Ways and Means, which was agreed to.

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

S. 89

Rep. Deen of Westminster moved that the committee on Rules be relieved of Senate bill, entitled

An act relating to a maximum retail price for milk

And that the bill be committed to the committee on Agriculture, which was agreed to.

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

S. 91

Rep. Deen of Westminster moved that the committee on Rules be relieved of Senate bill, entitled

An act relating to operation of vessels on public waters

And that the bill be committed to the committee on Transportation, which was agreed to.

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

S. 136

Rep. Deen of Westminster moved that the committee on Rules be relieved of Senate bill, entitled

An act relating to reducing the drop-out rate in Vermont secondary schools to zero by the year 2020

And that the bill be committed to the committee on Education, which was agreed to.

Bill Read Third Time and Passed

H. 446

House bill, entitled

An act relating to renewable energy and energy efficiency

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

First: In Sec. 8, 30 V.S.A. § 2840, in the catch line, by inserting “AND WATERS” after “LANDS”

Second: In Sec. 8, 30 V.S.A. § 2840(a), by inserting “and waters” after each occurrence of “lands”

Third: In Sec. 8, 30 V.S.A. § 2840(b), by inserting “or waters” after the second and third occurrences of “lands”

Fourth: In Sec. 8, 30 V.S.A. § 2840(c) and (d), by inserting “or waters” after each occurrence of “lands”

Pending the question, Shall the bill be amended as offered by Rep. Helm of Castleton? **Rep. Helm of Castleton** 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. Helm of Castleton? was decided in the negative. Yeas, 39. Nays, 86.

Those who voted in the affirmative are:

Acinapura of Brandon	Helm of Castleton	McFaun of Barre Town
Ainsworth of Royalton	Higley of Lowell	McNeil of Rutland Town
Baker of West Rutland	Hube of Londonderry	Morley of Barton
Botzow of Pownal	Hubert of Milton	Morrissey of Bennington
Branagan of Georgia	Johnson of Canaan	Myers of Essex
Clark of Vergennes	Kilmartin of Newport City	O'Brien of Richmond
Clerkin of Hartford	Koch of Barre Town	O'Donnell of Vernon
Conquest of Newbury	Komline of Dorset	Reis of St. Johnsbury
Crawford of Burke	Larocque of Barnet	Savage of Swanton
Devereux of Mount Holly	Lawrence of Lyndon	Scheuermann of Stowe
Dickinson of St. Albans Town	Lewis of Derby	Wheeler of Derby
Donaghy of Poultney	Marcotte of Coventry	Winters of Williamstown
Fagan of Rutland City	McAllister of Highgate	
	McDonald of Berlin	

Those who voted in the negative are:

Adams of Hartland	Consejo of Sheldon	French of Shrewsbury
Ancel of Calais	Copeland-Hanzas of Bradford	French of Randolph
Andrews of Rutland City	Deen of Westminster	Gilbert of Fairfax
Atkins of Winooski	Donahue of Northfield	Grad of Moretown
Bissonnette of Winooski	Donovan of Burlington	Greshin of Warren
Bohi of Hartford	Edwards of Brattleboro	Haas of Rochester
Bray of New Haven	Emmons of Springfield	Head of South Burlington
Browning of Arlington	Evans of Essex	Heath of Westford
Canfield of Fair Haven	Fisher of Lincoln	Hooper of Montpelier
Cheney of Norwich	Frank of Underhill	Jerman of Essex
Clarkson of Woodstock		Jewett of Ripton

Johnson of South Hero	Miller of Shaftsbury	Sharpe of Bristol
Keenan of St. Albans City	Minter of Waterbury	Smith of Mendon
Kitzmiller of Montpelier	Mitchell of Barnard	South of St. Johnsbury
Klein of East Montpelier	Moran of Wardsboro	Stevens of Waterbury
Krawczyk of Bennington	Mrowicki of Putney	Stevens of Shoreham
Larson of Burlington	Nease of Johnson	Sweaney of Windsor
Lenes of Shelburne	Nuovo of Middlebury	Till of Jericho
Lippert of Hinesburg	Obuchowski of Rockingham	Toll of Danville
Lorber of Burlington	Orr of Charlotte	Townsend of Randolph
Macaig of Williston	Partridge of Windham	Waite-Simpson of Essex
Maier of Middlebury	Pearce of Richford	Webb of Shelburne *
Malcolm of Pawlet	Pellett of Chester	Weston of Burlington
Manwaring of Wilmington	Peltz of Woodbury	Wilson of Manchester
Marek of Newfane *	Perley of Enosburg	Wizowaty of Burlington
Martin of Wolcott	Pugh of South Burlington	Wright of Burlington
Masland of Thetford	Ram of Burlington	Young of St. Albans City
McCullough of Williston	Rodgers of Glover	Zenie of Colchester
Milkey of Brattleboro	Shand of Weathersfield	Zuckerman of Burlington

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

Aswad of Burlington	Flory of Pittsford	Poirier of Barre City
Audette of South Burlington	Geier of South Burlington	Potter of Clarendon
Brennan of Colchester	Howard of Rutland City	Smith of Morristown
Burke of Brattleboro	Howrigan of Fairfield	Spengler of Colchester
Condon of Colchester	Lanpher of Vergennes	Taylor of Barre City
Corcoran of Bennington	Martin of Springfield	Trombley of Grand Isle
Courcelle of Rutland City	Mook of Bennington	Turner of Milton
Davis of Washington	Peaslee of Guildhall	Westman of Cambridge

Rep. Atkins of Winooski explained his vote as follows:

“Mr. Speaker:

I voted no because the term “waters” was too broadly used.

I could have voted yes had our two largest lakes been selected.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

Members who have voted to oppose a bill, rarely then seek to substantially expand its scope. When they do I’d like a committee to examine the implications, so I voted no for now.”

Rep. Webb of Shelburne explained her vote as follows:

“Mr. Speaker:

This amendment is very interesting but raises more questions than answers. These questions must be thoroughly developed and investigated as to meaning

and implications in a different forum other than a floor amendment.”

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

First: In Sec. 4, 30 V.S.A. § 8005(b)(2)(A), by striking subdivision (i) in its entirety and inserting in lieu thereof:

(i) For a plant using methane derived from:

(I) A landfill, \$0.12 per kWh.

(II) An agricultural operation, \$0.16 per kWh.

Second: In Sec. 4, 30 V.S.A. § 8005(b)(2), in the third sentence, by striking “20” and inserting in lieu thereof “10” and by striking “, except that the term of a standard offer for a plant using solar power shall be 25 years”

Pending the question, Shall the House amend the bill as recommended by Rep. McAllister of Highgate? **Rep. McAllister of Highgate** asked that the question be divided.

Pending the question, Shall the bill be amended as offered by Rep. McAllister of Highgate in the first instance only? **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 be amended as offered by Rep. McAllister of Highgate in the first instance only? was decided in the negative. Yeas, 39. Nays, 84.

Those who voted in the affirmative are:

Acinapura of Brandon	Higley of Lowell	McNeil of Rutland Town
Adams of Hartland	Hube of Londonderry	Morrissey of Bennington
Ainsworth of Royalton	Hubert of Milton	O'Donnell of Vernon
Branagan of Georgia	Johnson of Canaan	Pearce of Richford
Browning of Arlington	Kilmartin of Newport City	Perley of Enosburg
Clark of Vergennes	Koch of Barre Town	Reis of St. Johnsbury
Clerkin of Hartford	Komline of Dorset	Savage of Swanton
Crawford of Burke	Larocque of Barnet	Scheuermann of Stowe
Devereux of Mount Holly	Lawrence of Lyndon	Stevens of Shoreham
Dickinson of St. Albans	Lewis of Derby	Toll of Danville
Town	Martin of Wolcott	Winters of Williamstown
Donaghy of Poultney	McAllister of Highgate	Wright of Burlington
Donahue of Northfield	McDonald of Berlin	
Fagan of Rutland City	McFaun of Barre Town	

Those who voted in the negative are:

Ancel of Calais	Atkins of Winooski	Bissonnette of Winooski
Andrews of Rutland City	Baker of West Rutland	Bohi of Hartford

Botzow of Pownal	Johnson of South Hero	Obuchowski of Rockingham
Bray of New Haven	Keenan of St. Albans City	Orr of Charlotte
Canfield of Fair Haven	Kitzmiller of Montpelier	Partridge of Windham
Cheney of Norwich	Klein of East Montpelier	Pellett of Chester
Clarkson of Woodstock	Krawczyk of Bennington	Peltz of Woodbury
Conquest of Newbury	Larson of Burlington	Pugh of South Burlington
Consejo of Sheldon	Lenes of Shelburne	Ram of Burlington
Copeland-Hanzas of	Lorber of Burlington	Rodgers of Glover
Bradford	Macaig of Williston	Shand of Weathersfield
Deen of Westminster	Maier of Middlebury	Sharpe of Bristol
Donovan of Burlington	Malcolm of Pawlet	Smith of Mendon
Edwards of Brattleboro	Manwaring of Wilmington	South of St. Johnsbury
Emmons of Springfield	Marcotte of Coventry	Stevens of Waterbury
Evans of Essex	Marek of Newfane	Sweaney of Windsor
Fisher of Lincoln	Masland of Thetford	Till of Jericho
Frank of Underhill	McCullough of Williston	Townsend of Randolph
French of Shrewsbury	Milkey of Brattleboro	Waite-Simpson of Essex
French of Randolph	Miller of Shaftsbury	Webb of Shelburne
Gilbert of Fairfax	Minter of Waterbury	Weston of Burlington
Greshin of Warren	Mitchell of Barnard	Wheeler of Derby
Haas of Rochester	Moran of Wardsboro	Wilson of Manchester
Head of South Burlington	Morley of Barton	Wizowaty of Burlington
Heath of Westford	Mrowicki of Putney	Young of St. Albans City
Helm of Castleton	Myers of Essex	Zenie of Colchester
Hoopier of Montpelier	Nease of Johnson	Zuckerman of Burlington
Jerman of Essex	Nuovo of Middlebury	
Jewett of Ripton	O'Brien of Richmond	

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

Aswad of Burlington	Geier of South Burlington	Poirier of Barre City
Audette of South Burlington	Grad of Moretown	Potter of Clarendon
Brennan of Colchester	Howard of Rutland City	Smith of Morristown
Burke of Brattleboro	Howrigan of Fairfield	Spengler of Colchester
Condon of Colchester	Lanpher of Vergennes	Taylor of Barre City
Corcoran of Bennington	Lippert of Hinesburg	Trombley of Grand Isle
Courcelle of Rutland City	Martin of Springfield	Turner of Milton
Davis of Washington	Mook of Bennington	Westman of Cambridge
Flory of Pittsford	Peaslee of Guildhall	

Rep. Branagan of Georgia explained her vote as follows:

“Mr. Speaker:

Even a little help is good for the farmers in my district. We need to make up our minds to support Vermont farmers and give them an advantage wherever possible, or we’re going to lose them all.”

Thereupon, the recommendation of amendment offered by **Rep. McAllister of Highgate** in the second instant was disagreed to.

Thereupon, the bill was read the third time.

Speaker back in Chair.

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, 88. Nays, 44.

Those who voted in the affirmative are:

Ancel of Calais	Head of South Burlington	Myers of Essex
Andrews of Rutland City	Heath of Westford	Nease of Johnson
Atkins of Winooski	Hooper of Montpelier	Nuovo of Middlebury
Bissonnette of Winooski	Jerman of Essex *	O'Brien of Richmond
Bohi of Hartford	Jewett of Ripton	Obuchowski of Rockingham
Botzow of Pownal	Johnson of South Hero	Orr of Charlotte
Bray of New Haven *	Kitzmiller of Montpelier	Partridge of Windham
Browning of Arlington	Klein of East Montpelier *	Pellett of Chester
Burke of Brattleboro	Krawczyk of Bennington	Peltz of Woodbury
Cheney of Norwich	Lanpher of Vergennes	Potter of Clarendon
Clarkson of Woodstock	Larson of Burlington	Pugh of South Burlington
Conquest of Newbury	Lenes of Shelburne	Ram of Burlington
Consejo of Sheldon	Leriche of Hardwick	Shand of Weathersfield
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Sharpe of Bristol
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Donahue of Northfield	Maier of Middlebury	Stevens of Shoreham
Donovan of Burlington *	Malcolm of Pawlet	Sweaney of Windsor
Edwards of Brattleboro *	Manwaring of Wilmington	Till of Jericho
Emmons of Springfield	Marek of Newfane	Toll of Danville
Evans of Essex	Martin of Wolcott	Townsend of Randolph
Fisher of Lincoln	Masland of Thetford	Waite-Simpson of Essex *
Frank of Underhill	McCullough of Williston *	Webb of Shelburne
French of Shrewsbury *	McFaun of Barre Town	Weston of Burlington
French of Randolph	Milkey of Brattleboro	Wilson of Manchester
Gilbert of Fairfax	Miller of Shaftsbury	Wizowaty of Burlington
Grad of Moretown	Minter of Waterbury	Young of St. Albans City
Greshin of Warren	Mitchell of Barnard	Zenie of Colchester
Haas of Rochester	Moran of Wardsboro	Zuckerman of Burlington
	Mrowicki of Putney *	

Those who voted in the negative are:

Acinapura of Brandon	Crawford of Burke	Hubert of Milton
Adams of Hartland	Devereux of Mount Holly	Johnson of Canaan
Ainsworth of Royalton	Dickinson of St. Albans Town	Keenan of St. Albans City
Baker of West Rutland	Donaghy of Poultney	Kilmartin of Newport City *
Branagan of Georgia	Fagan of Rutland City *	Koch of Barre Town
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Clerkin of Hartford		Lewis of Derby

Marcotte of Coventry	O'Donnell of Vernon	Savage of Swanton
McAllister of Highgate	Pearce of Richford	Scheuermann of Stowe
McDonald of Berlin	Peaslee of Guildhall	South of St. Johnsbury
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Morley of Barton	Reis of St. Johnsbury	Winters of Williamstown
Morrissey of Bennington	Rodgers of Glover	Wright of Burlington

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Condon of Colchester	Howrigan of Fairfield	Trombley of Grand Isle
Courcelle of Rutland City	Martin of Springfield	Turner of Milton
Davis of Washington	Mook of Bennington	Westman of Cambridge
Flory of Pittsford	Poirier of Barre City	

Rep. Bray of New Haven explained his vote as follows:

“Mr. Speaker:

Today is the 39th anniversary of the very first Earth Day on which 20 million Americans, 10% of the population, marched to call for an end to business as usual and its wide-reaching damage to our environment.

In the 39 intervening years we have continued to use and abuse our environment. To be responsible stewards of the earth we have inherited, we must make changes and do better than “business as usual”. H. 446 is a modest but important step toward environmental health and sustainability, and it is fitting that we do this on Earth Day 2009..”

Rep. Edwards of Brattleboro explained her vote as follows:

“Mr. Speaker:

The words “sustainable” and “renewable” are not just catch phrases or marketing terms used in glossy tourist brochures. In passing this bill we demonstrate leadership that moves us beyond the status quo. This bill will give renewable energy producers a way to grow their businesses, create hundreds of jobs and move us to a more secure, less volatile energy future! It lists barriers and represents a bright spot in our future. We all benefit.”

Rep. Donovan of Burlington explained her vote as follows:

“Mr. Speaker:

Today the President of the United States is visiting a wind tower production facility to highlight that our energy policy needs to create jobs and reduce our dependence on fossil fuels. H. 446 is the right bill at the right time!.”

Rep. Fagan of Rutland City explained his vote as follows:

“Mr. Speaker:

Absent the three points I raised yesterday, I support this bill.”

Rep. French of Shrewsbury explained his vote as follows:

“Mr. Speaker:

Nearly everyone agrees that we need to increase our capacity for renewable and sustainable energy for many reasons. That lip service often goes no further if there is a cost rise involved. Consequently, we never take the first step.”

Rep. Jerman of Essex explained his vote as follows:

“Mr. Speaker:

I support every section of this bill. It will move small to medium size non-global energy projects past the talking phase at minimal cost to ratepayers.

The section of the bill that helps IBM to meet its energy efficiency goals in a pilot project is just one strong piece of a very strong bill. My yes vote has nothing to do with where I live.”

Rep. Klein of East Montpelier explained his vote as follows:

“Mr. Speaker:

I vote yes on H. 446 because this bill walks the walk instead of just talking the talk when it comes to the development of renewable energy.”

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

“Mr. Speaker:

No.! This bill represents the penultimate “flat earth mentality. It forces the use of energy sources that are too costly and unreliable. It will increase rates to residential and commercial customers. It will drive manufacturing jobs from Vermont, which will in turn require an increase in residential rates on customers who no longer have a sustainable income stream. Price and cost setting assumes a level of clairvoyance for which this House is particularly unsuited and ill-equipped. The Public Service Board lacks the capability of finding the right numbers. The phrases “An economic analysis” and “a generic cost” are two examples of the subjections and incomprehensible duties we are imposing on the Public Service Board. When is “fair”, “fair”? When is “enough”, “enough”, When is “sufficient incentives”, sufficient incentives”? When is a “reasonable approximation”, a “reasonable approximation”? One thing I can say for sure, H. 446 is an excellent example of linguistic nonsense..”

Rep. McCullough of Williston explained his vote as follows:

“Mr. Speaker:

I voted for H. 446 because it inserts sustainable renewable energy; thereby promoting Vermont economic growth and recovery, the reduction of greenhouse gases, and directs Vermonters toward a future of energy security with lower full cycle costs.”

Rep. Mrowicki of Putney explained his vote as follows:

“Mr. Speaker:

Today is Earth Day when our President is moving us past the dark ages of the past eight years when we’ve been without an energy policy that exceeds three words.

Today I vote yes to move the U.S. towards energy policy that protect all Vermonters economically and environmentally for today, tomorrow and for generations to come.”

Rep. Waite-Simpson of Essex explained her vote as follows:

“Mr. Speaker:

It has been said that I voted for this bill because it benefits a large business in my community. That is true and is important to me. But more importantly, I vote ‘yes’ for my children so that they can enjoy Vermont in the years ahead that they have clean air to breathe and clean water to drink. I currently pay over \$2,000 per year for electricity – paying a bit more to guarantee my children’s future is my obligation and I fulfill it willingly.”

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 26

Senate bill, entitled

An act relating to recovery of profits from crime

Was taken up, read the third time and passed in concurrence with proposal of amendment.

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

H. 99

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

An act relating to prohibiting certain novelty lighters

And that the bill be committed to the committee on General, Housing and Military Affairs, which was agreed to.

Adjournment

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