

# Journal of the House

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**Tuesday, January 5, 2010**

At ten o'clock in the forenoon the Speaker called the House to order.

## **Devotional Exercises**

Devotional exercises were conducted by Father Richard O'Donnell of St. Michael's Roman Catholic Church, Brattleboro.

## **Pledge of Allegiance**

**Page Hunter Riehle of South Burlington** led the House in the Pledge of Allegiance.

## **Moment of Silence**

The House observed a moment of silence in remembrance of Reps. Hube of Londonderry and Trombley of Grand Isle.

## **Communication from Peg Flory**

“December 15, 2009

Shapleigh Smith, Speaker  
Vermont House of Representatives  
Montpelier, Vermont

Dear Shap:

It is with mixed emotions that I write to inform you that I must resign my House Seat, effective 12/15/09, in order to accept the appointment as one of Rutland County Senators.

Although I certainly look forward to serving in the Senate and will continue to work with the House, it will be different. I value the friendships that have bloomed over the past twelve years.

The House is, indeed, a family. Like family members, we argue- we discuss- we have infighting – we have power struggles. But, when something happens to one of us, we band together, like families do. As I learned last year, families come in different shapes and political stripes, and they are invaluable. I will miss this.

Thank you to all of the House members for your kindness and your friendship.

Very truly yours,  
/s/ Peg Flory”

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**Communication from Governor**

“December 31, 2009

The Honorable Shap Smith  
115 State Street Drawer 33  
Montpelier, VT 05633

Dear Speaker Smith:

I have the honor to inform you that I have appointed Charles Shaw to the Rutland-6 District that was left vacant due to the appointment of Peg Flory to the Vermont Senate. This appointment is effective immediately.

Sincerely,

/s/ James H. Douglas  
Governor

JHD/ms”

**Communication from Richard Westman**

“August 13, 2009

Donald Milne,  
Clerk of the Vermont House of Representatives  
State House  
Montpelier, Vermont 05633

Dear Don,

In many respects, the Legislature is like home to me. As I sit down to write my letter of resignation from the place I've served in for 27 years (over half my life and all of my adult life), I know intellectually that moving on is the right move for me but emotionally "leaving home" is difficult. Like my home, I have strong feelings for the Legislature, the House in particular. Lincoln once said "I like to see a man proud of the place in which he lives. I like to see a man live so that his place will be proud of him." I'm very proud to have served here and hope I have served and worked here in a way that my friends will recall made this a better place.

This House, the Legislature, and Vermont are very different places than they were in the early 1980s. In some ways we've improved. All of Vermont is a more open place socially than the small closed farm communities that I am a product of. But as we've become more open socially our politics have become more partisan and more single issue oriented. It is ironic that in some ways we seem to have become less willing to listen to each other. That doesn't feel good.

My communities – Waterville, Belvidere and Cambridge – have trusted and supported me for a very long time. I really can't express how *that* makes me feel. To the next Representative from my district: "I wish you every success and hope you get as much from the process as I have and as much support from our communities as I have received over the years."

I will truly miss my friends here. I've made many great friends. Many of you I consider "chosen family," here in this the Vermont House of Representatives. But in life there is a time to "press on," as a friend of mine would say, and this is one of those times for me. Effective noon August 13<sup>u</sup>1, 2009 I resign my seat in the Vermont House of Representatives as the member from Cambridge.

I wish you all the best,

/s/Richard A. Westman

**Communication from Governor**

“October 8, 2009

The Honorable Shap Smith  
115 State Street, Drawer 33  
Montpelier, VT 05633

Dear Speaker Smith;

I have the honor to inform you that I have appointed Adam B. Howard to fill the seat left vacant by the resignation of Representative Richard Westman in Lamoille-4 House District. This appointment is effective immediately.

Sincerely,  
/s/ James H. Douglas  
Governor

JHD.ms

cc: Deborah Markowitz, Secretary of State  
Donald G. Milne, Clerk of the House”

**Oath Administered**

The Speaker directed Sergeant at Arms, Francis K. Brooks, to conduct Adam B. Howard of Cambridge, the appointed member from Lamoille-4 and Charles Shaw of Pittsford, the appointed member from Rutland-6, to the bar of the House where they took the subscribed oath, administered by the Clerk, as required by the Constitution and laws of the State.

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**New Members Seated**

Rep. Adam B. Howard of Cambridge, and Rep. Charles Shaw of Pittsford, the newly appointed members, having taken and subscribed the oath administered by the Clerk, as required by the Constitution and laws of the State, were conducted to their seats by Sergeant at Arms, Francis K. Brooks.

**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 or placed on the Calendar as follows:

**H. 458**

By Rep. Keenan of St. Albans City,

An act relating to predatory pricing of petroleum and heating fuel products;

To the committee on Commerce and Economic Development.

**H. 459**

By Rep. Ancel of Calais,

An act relating to signage fees for nonprofit organizations;

To the committee on Transportation.

**H. 460**

By Reps. Donahue of Northfield and Grad of Moretown,

An act directing the commissioner of motor vehicles to adopt rules establishing a tiered system for road testing the operation and registration of motorized cycles;

To the committee on Transportation.

**H. 461**

By Reps. Donahue of Northfield and Grad of Moretown,

An act relating to small estates;

To the committee on Judiciary.

**H. 462**

By Rep. Deen of Westminster,

An act relating to encroachments on public waters;

To the committee on Fish, Wildlife & Water Resources.

**H. 463**

By Rep. Deen of Westminster,

An act relating to use of all-terrain vehicles on state surface waters;

To the committee on Fish, Wildlife & Water Resources.

**H. 464**

By Reps. Deen of Westminster and Adams of Hartland,

An act relating to acquisition of land by the town of Hartland;

To the committee on Government Operations.

**H. 465**

By Rep. Consejo of Sheldon,

An act relating to establishment of a separate moose hunting lottery for persons 65 years of age or older;

To the committee on Fish, Wildlife & Water Resources.

**H. 466**

By Rep. Crawford of Burke,

An act relating to the tuition to be paid by a designating school district;

To the committee on Education.

**H. 467**

By Rep. Consejo of Sheldon,

An act relating to extending to interstate highways incrementally higher point system penalties for different degrees of speeding and imposing enhanced penalties on super speeders with proceeds to benefit the Vermont traumatic brain injury fund;

To the committee on Transportation.

**H. 468**

By Rep. Lawrence of Lyndon,

An act relating to the importation of elephants;

To the committee on Fish, Wildlife & Water Resources.

**H. 469**

By Rep. Klein of East Montpelier,

An act relating to evidence of the creation of public highways;

To the committee on Transportation.

**H. 470**

By Rep. Sweaney of Windsor,

An act relating to restructuring of the judiciary;

To the committee on Judiciary.

**House Resolution Adopted****H.R. 22**

House resolution, entitled

House resolution honoring the historic legislative service of former Speaker of the House Timothy J. O'Connor, Jr.

Offered by: Representatives Nease of Johnson, Komline of Dorset, Haas of Rochester, Obuchowski of Rockingham, Burke of Brattleboro, Edwards of Brattleboro, Milkey of Brattleboro, and O'Donnell of Vernon

Whereas, during his illustrious careers in the public and private sectors, former Speaker of the House Timothy O'Connor has distinguished himself in the legal and political spheres, and

Whereas, a Brattleboro native, Timothy O'Connor graduated from St. Michael's High School, the College of Holy Cross in Worcester, Massachusetts, and the Georgetown University Law Center in Washington, D.C., and

Whereas, upon completion of law school in our nation's capital, Timothy O'Connor returned home to Brattleboro and commenced the practice of law, and

Whereas, the members of the state mental health board appreciated his wise advice during his service on that panel from 1967 through 1973, and

Whereas, in 1968, the voters of house district 4-3, encompassing parts of the town of Brattleboro, elected Timothy O'Connor to represent them in Montpelier, and

Whereas, for his first term, Representative Timothy O'Connor was appointed to the judiciary committee, to which he brought his legal expertise;

in his second term, he reviewed matters pertaining to the well-being of Vermonters as a member of the health and welfare committee; and then in 1973 he returned to the judiciary committee as chair, and

Whereas, his legislative colleagues greatly respected Representative Timothy O'Connor's sound judgment, and they elected him to serve on the University of Vermont Board of Trustees, on which he sat from 1973 through 1979, and

Whereas, during the course of his legislative service, Representative Timothy O'Connor learned to work cooperatively and productively with other members regardless of their political party affiliation, and

Whereas, in 1975, notwithstanding the existence of a Republican majority, the goodwill and respect Representative Timothy O'Connor had earned was rewarded when he was elected as the first Democratic speaker of the Vermont House of Representatives, and

Whereas, Speaker Timothy O'Connor proved to be an effective and energetic speaker during the three terms in which he led the larger branch of Vermont's citizen legislature, and

Whereas, at the close of the 1979-1980 biennium, Speaker Timothy O'Connor concluded his speakership and returned to Brattleboro to practice law, and

Whereas, during the intervening decades, Timothy O'Connor has been an active civic and community leader and an esteemed legal practitioner, and

Whereas, today, January 5, 2010, the General Assembly is pleased to welcome former Speaker Timothy O'Connor to the state house and to honor his long and outstanding commitment to serving the citizens of the state of Vermont, now therefore be it

Resolved by the House of Representatives:

That this legislative body honors the historic legislative service of former Speaker of the House Timothy J. O'Connor, Jr., and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to former Speaker of the House Timothy J. O'Connor, Jr.

Which was read and adopted.

### **Communication Journalized**

Per direction of the Speaker, the following communication was read and ordered printed in the Journal:

“To the members of the Vermont State Legislature,

Our deepest thanks for your kind recognition of the service rendered to the state by our father, George L. Buzzell.

Sincerely,

Roy Buzzell, Paul Buzzell, Patricia B. Wood and Rebecca Brown.”

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

**H. 363**

**Rep. Brennan of Colchester** moved that the committee on Transportation be relieved of House bill, entitled

An act relating to ignition interlock devices

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

**New Committee Assignments Announced**

The Speaker announced new committee assignments as follows:

**Rep. Greshin of Warren** to the committee on Ways and Means;

**Rep. Howard of Cambridge** to the committee on Transportation;

**Rep. Johnson of Canaan** to the committee on Ways and Means;

**Rep. Koch of Barre Town** to the committee on Judiciary;

**Rep. Morley of Barton** to the committee on Health Care;

**Rep. Shaw of Pittsford** to the committee on Corrections and Institutions;

**Rep. Spengler of Colchester** to the committee on Health Care;

**Rep. Winters of Williamstown** to the committee on Appropriations.

**Rep. Brennan of Colchester** was named Chair of the committee on Transportation

**Message from the Senate No. 1**

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 resolutions of the following titles:

**J.R.S. 36.** Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

**J.R.S. 37.** Joint resolution relating to Town Meeting adjournment.



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

**Adjournment**

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