

# Journal of the House

---

**Friday, January 15, 2010**

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

## **Devotional Exercises**

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

## **Message from the Senate No. 4**

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 Governor has informed the Senate that on January 13, 2010, he approved and signed a bill originating in the Senate of the following title:

**S. 93.** An act relating to commercial vehicle operation on the interstate system.

## **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. 516**

By Reps. Davis of Washington, Atkins of Winooski, Browning of Arlington, Jewett of Ripton, Macaig of Williston, McFaun of Barre Town, Poirier of Barre City, Sharpe of Bristol, South of St. Johnsbury, Wizowaty of Burlington and Zuckerman of Burlington,

An act relating to comparing the costs and benefits of downloading free open source software with purchasing proprietary computer software;

To the committee on Government Operations.

### **H. 517**

By Rep. Perley of Enosburg,

An act relating to approval of an amendment to the charter of the Village of Enosburg Falls;

To the committee on Government Operations.

**H. 518**

By Reps. Jerman of Essex, Ainsworth of Royalton, Canfield of Fair Haven, Conquest of Newbury, Devereux of Mount Holly, Johnson of South Hero, Klein of East Montpelier, Krawczyk of Bennington, Lawrence of Lyndon, Malcolm of Pawlet, Masland of Thetford, Rodgers of Glover and Stevens of Shoreham,

An act relating to a dairy farm-solar power initiative;

To the committee on Natural Resources and Energy.

**H. 519**

By Reps. Wilson of Manchester, Botzow of Pownal, Bray of New Haven, Dickinson of St. Albans Town, Lorber of Burlington, Moran of Wardsboro, Shand of Weathersfield, Smith of Mendon and Till of Jericho,

An act relating to buy local;

To the committee on Commerce and Economic Development.

**H. 520**

By Reps. Wilson of Manchester, Consejo of Sheldon, Botzow of Pownal, Bray of New Haven, Conquest of Newbury, Dickinson of St. Albans Town, French of Shrewsbury, Malcolm of Pawlet, Partridge of Windham, Pearce of Richford, Perley of Enosburg, Shand of Weathersfield, Smith of Mendon, Stevens of Shoreham, Toll of Danville and Zenie of Colchester,

An act relating to establishing a “support local agriculture” motor vehicle registration plate benefiting the Vermont farm-to-plate investment program;

To the committee on Transportation.

**H. 521**

By Reps. Masland of Thetford, Bissonnette of Winooski, Browning of Arlington, Canfield of Fair Haven, Cheney of Norwich, Clerkin of Hartford, Helm of Castleton, Howard of Rutland City, Lanpher of Vergennes, Maier of Middlebury, McCullough of Williston, Minter of Waterbury, Orr of Charlotte, Shand of Weathersfield, Smith of Mendon, Stevens of Waterbury, Webb of Shelburne and Wizowaty of Burlington,

---

An act relating to an interstate compact between Vermont and New York and creating an interstate bridge authority to finance, construct, maintain, and operate the Lake Champlain bridge at Crown Point;

To the committee on Transportation.

**H. 522**

By Reps. Wizowaty of Burlington, Ancel of Calais, Clarkson of Woodstock, Davis of Washington, Fisher of Lincoln, Lorber of Burlington, Masland of Thetford, Mook of Bennington, Poirier of Barre City, Ram of Burlington and Webb of Shelburne,

An act relating to employment decisions based on credit information;

To the committee on General, Housing and Military Affairs.

**H. 523**

By Reps. Wizowaty of Burlington, Clarkson of Woodstock, Davis of Washington, Donovan of Burlington, Fisher of Lincoln, Lorber of Burlington, Masland of Thetford, Mook of Bennington, Moran of Wardsboro, Poirier of Barre City, Ram of Burlington, Spengler of Colchester and Webb of Shelburne,

An act relating to requiring employment breaks;

To the committee on General, Housing and Military Affairs.

**H. 524**

By Reps. Kilmartin of Newport City, Lippert of Hinesburg, Andrews of Rutland City, Bohi of Hartford, Crawford of Burke, Donovan of Burlington, French of Randolph, Grad of Moretown, Head of South Burlington, Jerman of Essex, Johnson of South Hero, Koch of Barre Town, Komline of Dorset, Lawrence of Lyndon, Lorber of Burlington, Maier of Middlebury, Marcotte of Coventry, McDonald of Berlin, Mitchell of Barnard, Morrissey of Bennington, Nease of Johnson, O'Donnell of Vernon, Pearce of Richford, Perley of Enosburg, Pugh of South Burlington, Rodgers of Glover, Sweaney of Windsor, Till of Jericho, Weston of Burlington, Wright of Burlington and Zuckerman of Burlington,

An act relating to interference with or cruelty to a service animal;

To the committee on Judiciary.

**Bill Referred to Committee on Appropriations****H. 514**

House bill, entitled

An act relating to a five-percent pay cut for members of the general assembly

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

**House Resolution Referred to Committee****H.R. 23**

House resolution amending the rules and orders of the House of Representatives related to member-sponsored funding of a specific construction project and the preparation of fiscal notes for bills prior to second reading

Offered by: Representatives Dickinson of St. Albans Town, Browning of Arlington, Canfield of Fair Haven, Consejo of Sheldon, Crawford of Burke, Donahue of Northfield, Evans of Essex, Komline of Dorset, Marcotte of Coventry, McDonald of Berlin, Morley of Barton, Morrissey of Bennington, Myers of Essex, Scheuermann of Stowe, Stevens of Shoreham, Turner of Milton, Winters of Williamstown and Young of St. Albans City

Whereas, the members of the general assembly and the public are entitled to the maximum degree of transparency possible in the legislative process, and

Whereas, there is no more fundamental matter related to a bill than its projected implementation and annualized costs as well as the source of the revenue to meet these costs, and

Whereas, presently, many bills the costs of which are unknown are debated on the floor of the house, and

Whereas, although the joint fiscal office does draft fiscal notes when requested, there is not a formal house rule governing when a fiscal note is required, and

Whereas, requiring a fiscal note for every bill introduced could prove overly burdensome for the joint fiscal office, and a more reasonable policy would require a fiscal note as a prerequisite for a bill being read a second time on the floor of the house, and

Whereas, a type of legislation subject to especially close scrutiny is a legislator's earmarking of funds for a specific public- or private-sector construction or programmatic project, and

Whereas, the legislative approval of funding for those projects that entail state appropriations of \$10,000 or more should be debated publicly, either in committee or on the floor of the house, now therefore be it

Resolved by the House of Representatives:

That the rules and orders of the House of Representatives be amended:

First: By adding a new Rule 44a to read:

44a. No bill shall be read a second time unless the joint fiscal office has prepared and distributed to all members of the house a fiscal note detailing the projected cost to and any revenue that will be raised for the treasury of the state of Vermont for the first three fiscal years that the legislation is in operational effect.

Second: By adding a new Rule 44b to read:

44b. The narrative text establishing a specific construction or programmatic project (unless included in legislation that the executive or judicial branch submits for the general assembly's consideration) shall include the name of the project's sponsor(s) immediately adjacent to the project's description, state whether any sponsor(s) will benefit financially from the project, and, if the proposed expenditure of state funds for the project is at least \$10,000.00, there shall be a public debate in a committee or on the house floor prior to the third reading of the bill in which the proposed project is contained.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Rules.

### **House Concurrent Resolution Referred to Committee**

#### **H.C.R. 195**

House concurrent resolution expressing regret for the sterilization of Vermonters pursuant to the Sterilization Act of 1931

Offered by: Representative Donahue of Northfield

Whereas, the state-sponsored sterilization of many Vermonters, based upon the false science and misguided social judgment that they were genetically inadequate and of poor heredity stock, is one of the most unfortunate chapters in our state's history, and

Whereas, in 1912, the General Assembly passed legislation to “authorize and provide for the sterilization of imbeciles, feeble-minded and insane persons, rapists, confirmed criminals and other defectives” which Governor John Mead vetoed on the advice of Attorney General R.E. Brown that the measure was unconstitutional in part due to its discriminatory intent and lack of due process, and

Whereas, the Senate overrode the governor, and although the House of Representatives upheld his veto after a successful Senate override, the idea of broadly based sterilization legislation was not permanently defeated, and

Whereas, Francis Galton, the cousin of Charles Darwin, coined the term “eugenics” meaning “the science of improving the genetic condition of the human race,” and

Whereas, in 1925, UVM zoology professor Henry F. Perkins established the Eugenics Survey of Vermont with a stated mission to determine the extent of defective behavior and depraved immorality in the state by combining biology, education, and social work, and

Whereas, in 1927, when addressing a conference of social workers in Montpelier, Perkins reported his purportedly highly academic findings proving a blood or heredity foundation in the mental degeneration in classes of families he defined as pirate, gypsy, and chorea, and

Whereas, Perkins predicted that legislation, which he had assisted in drafting, providing for sterilizing the “socially inadequate” individuals would be introduced, and

Whereas, in Buck v. Bell, 274 US 200 (1927), U.S. Supreme Court Justice Oliver Wendell Holmes held that Virginia’s sterilization law was neither unconstitutional nor a denial of due process, and

Whereas, in 1931, as a result of the pseudoscience and hearsay that permeated the reports of the Vermont Eugenics Survey, as well as the establishment of the Vermont Commission on Country Life, that in part was an expansion of the survey’s activities, the General Assembly adopted Act No. 174, “An Act for Human Betterment By Voluntary Sterilization,” which was intended:

to prevent the procreation of idiots, imbeciles, feebleminded or insane persons, when the public welfare of idiots, imbeciles, feeble-minded or insane persons likely to procreate, can be improved by voluntary sterilization, and

Whereas, as a result of this legislation, a large number of individuals were subjected to this state-sponsored sterilization program, many without their knowledge or consent, and

Whereas, although the Eugenics Survey was ended in 1936, and the forced sterilizations ultimately halted, the damage to many Vermont families was widespread, and poor Irish and Italian immigrants, along with other persons in poverty, were among those targeted, and

Whereas, individuals diagnosed with mental disabilities and persons of French Canadian and Abenaki ancestry were disproportionately affected and harmed, and

Whereas, it is impossible for the General Assembly to undo the grievous damage that was inflicted on these persons and their families, but it can issue a strong statement denouncing this dark chapter in Vermont's history to demonstrate the legislature's resolve to guard against such events occurring in the future, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its profound sorrow and sincere regret that such a program of sterilizations was sanctioned under an act of this legislative body.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Rules.

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

**S. 58**

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

An act relating to electronic payment of wages

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

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

**S. 122**

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

An act relating to recounts in elections for statewide offices

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

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

**Favorable Report; Third Reading Ordered**

**H. 483**

**Rep. Devereux of Mount Holly**, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of the merger of the Village of North Westminster and the Town of Westminster and the charter of the Town of Westminster

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Adjournment**

At ten o'clock and twenty-five minutes in the forenoon, on motion of **Rep. Komline of Dorset**, the House adjourned until Tuesday, January 19, 2010, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 41.