

Journal of the House

Friday, February 12, 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 the State House Singers, singing the Vermont state song.

Colors Presented by the Boy Scout Honor Guard

Colors were presented by the Scout Honor Guard as follows:

Isaac Merriam of Morrisville, Troop 876
Ethan Nutting of Wolcott, Troop 876
Chris McDonnell of Morrisville, Troop 876
Charles Johnston of Monkton, Troop 525
Michael Pierattini of Bristol, Troop 525

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Page Sam Biondalillo of Barre City
Page Clara Emlen of Calais
Page Ira Fisher of Lincoln
Page Hunter Riehle of South Burlington
Page Leah Hanzas of Bradford
Page Haddie Lary of Randolph
Page Maddie McCrae of South Burlington
Page Clare Salerno of Johnson
Page Nell Sather of Montpelier
Page Erin Turner of Milton

Committee Bill Introduced

H. 761

Rep. Brennan of Colchester, for the committee on Transportation, introduced a bill, entitled

An act relating to authorization of High-Speed Intercity Passenger Rail Program grants

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

House Bill Introduced

H. 762

Rep. Mook of Bennington introduced a bill, entitled

An act relating to narrowing the eligibility for small school support

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

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

H. 494

Rep. Howard of Cambridge moved that the committee on Transportation be relieved of House bill, entitled

An act relating to restrictions on nighttime operation of motor vehicles by junior operators and holders of learner's permits

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

Remarks Journalized

On motion of **Rep. Howrigan of Fairfield**, the following remarks by **Rep. Aswad of Burlington** were ordered printed in the Journal:

“Mr. Speaker:

A point of personal privilege; I have a verbal Valentine card for all of the lovely ladies in this chamber;

My lovely Valentine, My pretty Valentine
You make me smile with my heart.
Your face is beautiful, so photographable
You are my favorite work of art.

Your figure is oh so Greek.
Your lips are oh so sweet.
When you open them to speak,
You are smiling.

Don't change a hair for me.

Not if you care for me.
Stay little Valentine, stay.
Every day should be Valentines' Day.

Thank you.”

Bill Amended, Read Third Time and Passed

H. 759

House bill, entitled

An act relating to executive branch fees

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

First: by striking Sec. 3 and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. 20 V.S.A. § 2757(c) is amended to read:

(c) Each manufacturer shall submit to the commissioner written certification attesting that each cigarette has been tested in accordance with and has met the performance standard required under subsection (b) of this section. The description of each cigarette listed in the certification shall include the brand; style; length in millimeters; circumference in millimeters; flavor, if applicable; filter or nonfilter; package description, such as a soft pack or box; and the mark approved pursuant to subsection (d) of this section. Upon request, this certification shall be made available to the attorney general and department of liquor control. Each cigarette certified under this subsection shall be recertified every three years. For the certification or recertification of each brand style, the fee shall be \$1,000.00. The fees shall be paid into the fire prevention and building inspection special fund established in 20 V.S.A. § 2738.

Second: by adding a new Sec. 37 to read:

CIGARETTE CERTIFICATION FEE; STATEMENT OF INTENT

It is the intent of the General Assembly that the fees collected under 20 V.S.A. § 2757 in excess of the amount needed by the department of public safety to administer the fire prevention and building inspection special fund be paid into the tobacco trust fund established in 18 V.S.A. § 9502 for the purpose of smoking prevention and cessation. This statement of intent shall be placed in the annotations to 20 V.S.A. § 2757 in the Vermont Statutes Annotated.

Which was agreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Hubert of Milton** 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, 100. Nays, 42.

Those who voted in the affirmative are:

Acinapura of Brandon	Greshin of Warren	Mook of Bennington
Ainsworth of Royalton *	Haas of Rochester	Moran of Wardsboro
Ancel of Calais	Head of South Burlington	Mrowicki of Putney
Andrews of Rutland City	Heath of Westford	Nuovo of Middlebury
Aswad of Burlington	Hooper of Montpelier	O'Brien of Richmond
Atkins of Winooski	Howard of Rutland City	Obuchowski of Rockingham
Bissonnette of Winooski	Jerman of Essex	Partridge of Windham
Bohi of Hartford	Jewett of Ripton	Pellett of Chester
Botzow of Pownal	Johnson of South Hero	Peltz of Woodbury
Branagan of Georgia	Johnson of Canaan	Poirier of Barre City
Bray of New Haven	Kitzmiller of Montpelier	Potter of Clarendon
Burke of Brattleboro	Klein of East Montpelier	Pugh of South Burlington
Cheney of Norwich	Krawczyk of Bennington	Ram of Burlington
Clarkson of Woodstock	Krebs of South Hero	Shand of Weathersfield
Condon of Colchester	Lanpher of Vergennes	Sharpe of Bristol
Conquest of Newbury	Larson of Burlington	Smith of Mendon
Consejo of Sheldon	Lenes of Shelburne	Spengler of Colchester
Copeland-Hanzas of Bradford	Leriche of Hardwick	Stevens of Waterbury
Corcoran of Bennington	Lippert of Hinesburg	Stevens of Shoreham
Courcelle of Rutland City	Lorber of Burlington	Sweaney of Windsor
Davis of Washington	Macaig of Williston	Taylor of Barre City
Deen of Westminster	Maier of Middlebury	Till of Jericho
Donovan of Burlington	Malcolm of Pawlet	Toll of Danville
Edwards of Brattleboro	Manwaring of Wilmington	Townsend of Randolph
Emmons of Springfield	Marek of Newfane	Waite-Simpson of Essex
Evans of Essex	Martin of Springfield	Webb of Shelburne
Fagan of Rutland City	Martin of Wolcott	Weston of Burlington
Fisher of Lincoln	Masland of Thetford	Wilson of Manchester
Frank of Underhill	McCullough of Williston	Winters of Williamstown
French of Shrewsbury	McNeil of Rutland Town	Wizowaty of Burlington
French of Randolph	Milkey of Brattleboro	Young of St. Albans City
Gilbert of Fairfax	Miller of Shaftsbury	Zenie of Colchester
Grad of Moretown	Minter of Waterbury	Zuckerman of Burlington
	Mitchell of Barnard	

Those who voted in the negative are:

Adams of Hartland	Clerkin of Hartford	Geier of South Burlington
Baker of West Rutland	Devereux of Mount Holly	Helm of Castleton
Brennan of Colchester	Dickinson of St. Albans Town	Higley of Lowell
Browning of Arlington	Donaghy of Poultney	Howard of Cambridge
Canfield of Fair Haven	Donahue of Northfield	Howrigan of Fairfield *
Clark of Vergennes		Hubert of Milton

Kilmartin of Newport City	McFaun of Barre Town	Reis of St. Johnsbury
Koch of Barre Town	Morley of Barton	Rodgers of Glover
Komline of Dorset	Morrissey of Bennington *	Savage of Swanton
Larocque of Barnet	Myers of Essex	Scheuermann of Stowe
Lawrence of Lyndon	O'Donnell of Vernon	South of St. Johnsbury
Lewis of Derby	Olsen of Jamaica *	Turner of Milton
Marcotte of Coventry	Pearce of Richford	Wheeler of Derby
McAllister of Highgate	Peaslee of Guildhall	
McDonald of Berlin	Perley of Enosburg	

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

Audette of South Burlington	Nease of Johnson	Wright of Burlington
Crawford of Burke	Orr of Charlotte	
Keenan of St. Albans City	Shaw of Pittsford	

Rep. Ainsworth of Royalton explained his vote as follows:

“Mr. Speaker:

No one enjoys an increase in fees or taxes in these challenging times. However, this bill basically concurs with the Governor’s request except for the unjustifiable increase for water discharge fee upon Vermont Yankee. Because of the majority of the bill concurs with the Governor, I also do.”

Rep. Howrigan of Fairfield explained his vote as follows:

“Mr. Speaker:

I voted no, with all due respect to the Ways and Means committee. In these controlled and hard times, all things being equal, or not, only bread should rise.”

Rep. Morrissey of Bennington explained her vote as follows:

“Mr. Speaker:

Vermonters who are presently struggling in this economy and who will ultimately be paying for these fee increases should not be asked to shoulder this additional 2.6 million dollar burden at this time. A one year moratorium would have been the right thing to do.

No mas, no mas, no mas!!!!.”

Rep. Olsen of Jamaica explained his vote as follows:

“Mr. Speaker:

By passing this bill, we are adding to the tax burden of small businesses and trades people throughout Vermont. In addition to sharp increases for various construction permits, this bill increases the plumbing license fee by

32%, the specialty plumber license fee by 25%, and the dealer/repairman license fee by 100%. Small business and trades people can ill afford increased fees and taxes during these difficult economic times.”

Bill Amended; Third Reading Ordered

H. 229

Rep. Savage of Swanton, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to mausoleums and columbaria

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 5573 is amended to read:

§ 5573. CONSTRUCTION REQUIREMENTS

A community mausoleum ~~or columbarium~~, the crypts ~~or niches~~ of which are available to the public, shall be constructed and erected only with the consent and approval of the ~~state board~~ department of health. Before commencing the building, construction or erection of any ~~such structure~~ community mausoleum, full detailed plans and specifications shall be presented to the state board of health. The approval of ~~such~~ the plans and specifications shall be evidenced by a certificate in writing, signed by the ~~state board~~ department of health. A community mausoleum, ~~columbarium~~ or any structure intended to hold or contain permanently the bodies of the dead, and to which the public ~~shall have~~ has access, shall ~~not~~ be constructed ~~or erected~~. ~~A building not used for the permanent disposition of the human dead shall not be altered or changed for such use or used for such purposes, and an addition shall not be made to any existing community mausoleum or columbarium, unless constructed of such material and workmanship as will to insure its durability and , permanence, as well as the safety, convenience, comfort and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.~~

Sec. 2. 18 V.S.A. § 5574 is amended to read:

§ 5574. INSPECTION

The ~~state board~~ department of health shall have supervisory control over the construction of any ~~such~~ community mausoleum ~~or columbarium~~. The ~~state board~~ department of health shall require compliance in all respects with the approved plans and specifications. ~~Such~~ The board shall appoint an inspector who ~~shall be~~ is experienced in modern mausoleum construction and

engineering science to supervise the erection and construction of ~~such the~~ the mausoleum ~~and columbarium~~ and to determine the amount of ~~his~~ the inspector's compensation. ~~Such compensation~~ Compensation shall be paid by the person, ~~firm or corporation~~ erecting ~~such the~~ the community mausoleum ~~or columbarium~~. A departure from the original plans and specifications shall not be permitted, except upon approval of the ~~state board~~ department of health, evidenced in like manner and form as the approval of the original plans and specifications.

Sec. 3. 18 V.S.A. § 5577 is amended to read:

§ 5577. MAUSOLEUM BECOMING UNTENABLE

If, in the opinion of the ~~state board~~ department of health, a mausoleum, vault, crypt or structure containing one or more deceased human bodies becomes a menace to public health, and the owner or owners ~~thereof~~ fail to remedy or remove the ~~same~~ menace to the satisfaction of the ~~state board of health~~ department, a court of competent jurisdiction may order the person, ~~firm or corporation~~ owning ~~such the~~ the structure to remove the body or bodies for interment in some suitable cemetery at the expense of the ~~person, firm or corporation owning such~~ owner of the mausoleum, vault or crypt. When ~~such person, firm or corporation~~ the owner can not be found ~~in the county where such mausoleum, vault or crypt is located~~, then ~~such~~ removal and interment shall be at the expense of the cemetery or cemetery association, ~~city or town where such~~ or the municipality in which the mausoleum, vault or crypt is ~~situated~~ located.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on General, Housing and Military Affairs agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 598

Rep. Townsend of Randolph, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to sorting early voter absentee ballots

Reported in favor of its passage when amended as follows:

In Sec. 1, 17 V.S.A. § 2546(a), by striking "500" and inserting in lieu thereof "300"

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

House Resolution Adopted

H.R. 27

House resolution, entitled

House resolution urgently imploring U.S. Secretary of Agriculture Tom Vilsack to exercise dynamic and innovative leadership in addressing the volatility in the price of milk paid to Vermont's dairy farmers

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

Adjournment

At eleven o'clock and ten minutes in the forenoon, on motion of **Rep. Komline of Dorset**, the House adjourned until Tuesday, February 16, 2010, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 48.