

Journal of the House

Tuesday, February 23, 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 Alden Launer, Chaplin of Copley Interfaith Health Systems.

Pledge of Allegiance

Page Caitlin Costello of Burlington led the House in the Pledge of Allegiance.

Message from the Senate No. 15

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 considered House proposal of amendment to Senate bill of the following title:

S. 286. An act relating to challenges for change.

And has concurred therein.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 51. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Environmental Judge.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 245. House concurrent resolution congratulating the League of Women Voters on its 90th anniversary.

H.C.R. 246. House concurrent resolution honoring book artist Lucy Swope of West Fairlee.

H.C.R. 247. House concurrent resolution honoring Lyndon Corey for his half-century of remarkable leadership and service at the Fairfield Fire Department.

H.C.R. 248. House concurrent resolution congratulating Healthy Living Natural Foods Market of South Burlington on winning the Vermont Grocers' Association Retailer of the Year award.

H.C.R. 249. House concurrent resolution honoring Theodore Manazir for his exemplary 29 years of public service as a member of the South Burlington school board upon his retirement from the board.

H.C.R. 250. House concurrent resolution honoring the exemplary performance of the volunteer fire departments of Sheldon, Swanton, Enosburg, Cambridge, Fairfield, Highgate, and St. Albans Town in combating the August 2009 RockTenn Mill blaze in Sheldon Springs.

H.C.R. 251. House concurrent resolution in memory of Shoreham firefighter Peter James Coe.

H.C.R. 252. House concurrent resolution celebrating the 25th anniversary of the inauguration of Vermont's first woman governor, Madeleine May Kunin.

H.C.R. 253. House concurrent resolution congratulating the 2009 Black River High School Presidents boys' soccer team on winning the school's third consecutive Division IV championship.

H.C.R. 254. House concurrent resolution in memory of Colchester Selectman Brian William McNeil.

H.C.R. 255. House concurrent resolution honoring the towns and citizens of Dover, Whitingham, and Wilmington for their creativity in establishing a mutually beneficial economic development model that other communities can adopt.

Committee Bill Introduced

H. 767

Rep. Partridge of Windham, for the committee on Agriculture, introduced a bill, entitled

An act relating to the livestock care standards advisory council

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

Joint Resolution Placed on Calendar**H.R. 30**

House resolution amending the Rules of the House of Representatives relating to a bill materially affecting the revenue of one or more municipalities

Offered by: Committee on Rules

Whereas, Rule 35 (a) of the House of Representatives requires that a bill affecting the revenue of the state be referred to the Committee on Ways and Means if that committee is not the committee of jurisdiction, and

Whereas, this rule does not apply to bills that materially affect the revenue of one or more municipalities, and

Whereas, however, the General Assembly does on occasion approve legislation authorizing local option sales taxes and other municipal revenue sources, and these bills, under the present House Rules, need not be referred to the Committee on Ways and Means, which has a more comprehensive knowledge of the state's overall revenue situation than any other House committee, and

Whereas, it would be fiscally prudent to require that the Ways and Means Committee review all legislation materially affecting one or more municipalities, now therefore be it

Resolved by the House of Representatives:

That Rule 35 (a) of the Rules of the House of Representatives be amended to read:

(a) When a bill or resolution treated as a bill carrying an appropriation or a bill or resolution treated as a bill affecting the revenue of the state or materially affecting the revenues of one or more municipalities is reported by a committee other than the Committee on Appropriations or the Committee on Ways and Means, respectively, the Speaker shall refer it, before second reading, to the Committee on Appropriations or the Committee on Ways and Means, as the case may be, if the bill or resolution had not previously been referred, committed or recommitted to said committee, except, in the case of a House bill or House resolution treated as a bill, when the first committee by a two-thirds vote reports that the bill ought not to pass or the resolution ought not to be adopted. In that case, if the House votes that the bill or resolution be read the third time, the bill or resolution shall be referred before third reading to the Committee on Appropriations or the Committee on Ways and Means, as the case may be, which shall consider the bill or resolution and make such report as it considers advisable at which time the bill or resolution shall proceed in the regular course as other bills or resolutions.

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

Bill Read Second Time; Third Reading Ordered

H. 766

Rep. Andrews of Rutland City spoke for the committee on Human Services.

House bill entitled

An act relating to preventing duplication in certain public health records

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 607

House bill, entitled

An act relating to codifying and amending the charter of the Chittenden County Transportation Authority;

H. 761

House bill, entitled

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

H. 765

House bill, entitled

An act relating to establishing the Vermont agricultural innovation authority;

Bill Amended, Read Third Time and Passed

H. 622

House bill, entitled

An act relating to solicitation by prescreened trigger lead information

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

In Sec. 1, in 8 V.S.A. § 10206(c), in the first sentence, by striking the words “Chittenden or”

Which was agreed to to. Thereupon, the bill was read the third time and passed.

Favorable Report; Third Reading Ordered

H. 764

Rep. Atkins of Winooski spoke for the committee on Government Operations.

Rep. Miller of Shaftsbury, for the committee on Appropriations, to which had been referred House bill, entitled

An act relating to the state teachers’ retirement system of Vermont

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

Pending the question, Shall the bill be read a third time? **Rep. Sweaney of Windsor** 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 read a third time? was decided in the affirmative. Yeas, 139. Nays, 0. Abstained, 2.

Those who voted in the affirmative are:

Acinapura of Brandon	Copeland-Hanzas of	Haas of Rochester
Adams of Hartland	Bradford	Head of South Burlington
Ainsworth of Royalton	Corcoran of Bennington	Heath of Westford
Ancel of Calais	Courcelle of Rutland City	Helm of Castleton
Andrews of Rutland City	Crawford of Burke	Higley of Lowell
Aswad of Burlington	Deen of Westminster	Hooper of Montpelier
Atkins of Winooski	Devereux of Mount Holly	Howard of Cambridge
Bissonnette of Winooski	Dickinson of St. Albans	Howard of Rutland City
Bohi of Hartford	Town	Howrigan of Fairfield
Botzow of Pownal	Donaghy of Poultney	Hubert of Milton
Branagan of Georgia	Donahue of Northfield	Jerman of Essex
Bray of New Haven	Donovan of Burlington	Jewett of Ripton
Brennan of Colchester	Edwards of Brattleboro	Johnson of South Hero
Browning of Arlington	Emmons of Springfield	Johnson of Canaan
Burke of Brattleboro	Evans of Essex	Keenan of St. Albans City
Canfield of Fair Haven	Fagan of Rutland City	Kilmartin of Newport City
Cheney of Norwich	Fisher of Lincoln	Kitzmiller of Montpelier
Clarkson of Woodstock	Frank of Underhill	Klein of East Montpelier
Clerkin of Hartford	French of Shrewsbury	Koch of Barre Town
Condon of Colchester	French of Randolph	Komline of Dorset
Conquest of Newbury	Gilbert of Fairfax	Krawczyk of Bennington
Consejo of Sheldon	Grad of Moretown	Krebs of South Hero
	Greshin of Warren	Lanpher of Vergennes

Larocque of Barnet	Mook of Bennington	Shand of Weathersfield
Larson of Burlington	Moran of Wardsboro	Sharpe of Bristol
Lawrence of Lyndon	Morley of Barton	Shaw of Pittsford
Lenes of Shelburne	Morrissey of Bennington	Smith of Mendon
Leriche of Hardwick	Mrowicki of Putney	South of St. Johnsbury
Lewis of Derby	Myers of Essex	Spengler of Colchester
Lippert of Hinesburg	Nease of Johnson	Stevens of Waterbury
Lorber of Burlington	Nuovo of Middlebury	Stevens of Shoreham
Macaig of Williston	O'Brien of Richmond	Sweaney of Windsor
Maier of Middlebury	Obuchowski of Rockingham	Taylor of Barre City
Malcolm of Pawlet	O'Donnell of Vernon	Till of Jericho
Manwaring of Wilmington	Olsen of Jamaica	Toll of Danville
Marcotte of Coventry	Partridge of Windham	Townsend of Randolph
Marek of Newfane	Pearce of Richford	Waite-Simpson of Essex
Martin of Springfield	Peaslee of Guildhall	Weston of Burlington
Martin of Wolcott	Pellett of Chester	Wheeler of Derby
Masland of Thetford	Peltz of Woodbury	Wilson of Manchester
McAllister of Highgate	Perley of Enosburg	Winters of Williamstown
McCullough of Williston	Poirier of Barre City	Wizowaty of Burlington
McDonald of Berlin	Potter of Clarendon	Wright of Burlington
McFaun of Barre Town	Ram of Burlington	Young of St. Albans City
McNeil of Rutland Town	Reis of St. Johnsbury	Zenie of Colchester
Miller of Shaftsbury	Rodgers of Glover	Zuckerman of Burlington
Minter of Waterbury	Savage of Swanton	
Mitchell of Barnard	Scheuermann of Stowe	

Those who voted in the negative are:

none

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

Audette of South Burlington	Geier of South Burlington	Turner of Milton
Baker of West Rutland	Milkey of Brattleboro	Webb of Shelburne
Clark of Vergennes	Orr of Charlotte	
Davis of Washington	Pugh of South Burlington	

Those who abstained under Rule 75 are:

Clark of Vergennes
Webb of Shelburne

Bill Amended; Third Reading Ordered

H. 66

Rep. Mook of Bennington, for the committee on Education, to which had been referred House bill, entitled

An act relating to including secondary students with disabilities in senior year activities and ceremonies

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

Sec. 1. 16 V.S.A. § 2944(g)–(i) are added to read:

(g) Any public or approved independent secondary school receiving state education funds shall allow an enrolled student to choose to participate in the graduation ceremony and senior year activities of the student’s peers if:

(1) the student is receiving specialized instruction or services, from or through the school, described in an individualized education plan (“IEP”) or a Section 504 plan;

(2) under the IEP or Section 504 plan, the student will need to remain enrolled in the school after that graduation ceremony in order to complete his or her secondary education, including special education and transition services; and

(3) the student, as a result of his or her disability or impairment, needs to remain enrolled in the school after that graduation ceremony in order to complete his or her secondary education.

(h) A student who participates in a graduation ceremony pursuant to subsection (g) of this section shall not receive a diploma as part of that ceremony, but shall receive a certificate of recognition in a form determined by the school. If on an IEP, the student shall receive a regular high school diploma upon satisfactory completion of all necessary graduation requirements and at a time determined by the IEP team. If on a Section 504 plan, the student shall receive a regular high school diploma upon satisfactory completion of all necessary graduation requirements. Unless a school determines otherwise, a student may participate in no more than one graduation ceremony.

(i) A student’s participation in a graduation ceremony pursuant to subsection (g) of this section shall not affect or limit the student’s eligibility for special education services, related services, transition services, or Section 504 services following the ceremony.

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

Bill Amended; Third Reading Ordered

H. 725

Rep. Stevens of Shoreham, for the committee on Agriculture, to which had been referred House bill, entitled

An act relating to farmers’ markets

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

Sec. 1. 6 V.S.A. chapter 216 is added to read:

CHAPTER 216. FARMERS' MARKETS

§ 5001. DEFINITION

In this chapter, "farmers' market" shall mean an event or series of events at which two or more vendors of agricultural products, as defined in 11 V.S.A. § 991, gather for purposes of offering for sale to the public their agricultural products.

§ 5002. VERMONT FARMERS' MARKET ASSOCIATION MEMBERSHIP

(a) Farmers' markets in this state that meet the minimum standards and best practices set forth in subsection (b) of this section may become members of the Vermont Farmers' Market Association.

(b) The Vermont Farmers' Market Association shall:

(1) develop minimum standards and best practices for the management and use of farmers' markets in this state and shall submit them to the agency of agriculture, food and markets for recommendations;

(2) extend memberships to farmers' markets that meet the standards and best practices established under subdivision (1) of this subsection: and

(3) prepare an annual report of its activities, including a financial statement, and make the report available to the agency of agriculture, food and markets and other interested parties no later than February 1 of each year.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2010.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the House amend the bill as recommended by the committee on Agriculture? **Rep. Stevens of Shoreham** moved to amend the report of the committee on Agriculture as follows:

In Sec. 1, 6 V.S.A. § 5002(b)(3), by striking out "February" and inserting in lieu thereof "April"

Which was agreed to.

Thereupon, the report of the committee on Agriculture, as amended, was agreed to and third reading ordered.

Adjournment

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

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 245

House concurrent resolution congratulating the League of Women Voters on its 90th anniversary;

H.C.R. 246

House concurrent resolution honoring book artist Lucy Swope of West Fairlee;

H.C.R. 247

House concurrent resolution honoring Lyndon Corey for his half-century of remarkable leadership and service at the Fairfield Fire Department;

H.C.R. 248

House concurrent resolution congratulating Healthy Living Natural Foods Market of South Burlington on winning the Vermont Grocers' Association Retailer of the Year award;

H.C.R. 249

House concurrent resolution honoring Theodore Manazir for his exemplary 29 years of public service as a member of the South Burlington school board upon his retirement from the board;

H.C.R. 250

House concurrent resolution honoring the exemplary performance of the volunteer fire departments of Sheldon, Swanton, Enosburg, Cambridge, Fairfield, Highgate, and St. Albans Town in combating the August 2009 RockTenn Mill blaze in Sheldon Springs;

H.C.R. 251

House concurrent resolution in memory of Shoreham firefighter Peter James Coe;

H.C.R. 252

House concurrent resolution celebrating the 25th anniversary of the inauguration of Vermont's first woman governor, Madeleine May Kunin;

H.C.R. 253

House concurrent resolution congratulating the 2009 Black River High School Presidents boys' soccer team on winning the school's third consecutive Division IV championship;

H.C.R. 254

House concurrent resolution in memory of Colchester Selectman Brian William McNeil;

H.C.R. 255

House concurrent resolution honoring the towns and citizens of Dover, Whitingham, and Wilmington for their creativity in establishing a mutually beneficial economic development model that other communities can adopt;

[The full text of the concurrent resolutions appeared in the House and Senate Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2010, seventieth Biennial session.]