

Journal of the House

Friday, March 19, 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 Rep. William Aswad of Burlington.

House Committee Bills Introduced

House Committee bills of the following titles were severally introduced, read the first time and placed on the Calendar as follows:

H. 783

House bill, entitled

An act relating to miscellaneous tax provisions

H. 784

House bill, entitled

An act relating to the state's transportation program

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 222

Senate bill, entitled

An act relating to recognition of Abenaki tribes;

To the committee on General, Housing and Military Affairs.

S. 283

Senate bill, entitled

An act relating to amending miscellaneous motor vehicle laws, eliminating the motorcycle rider training program advisory committee, and repealing the interstate compact for motor vehicle safety equipment;

To the committee on Transportation.

House Resolution Referred to Committee**H.R. 31**

House resolution, entitled

House resolution urging President Barack Obama to initiate negotiations for a nuclear weapons abolition treaty

Offered by: Representatives Fisher of Lincoln, Wizowaty of Burlington, Webb of Shelburne, Lenes of Shelburne, Ancel of Calais, Aswad of Burlington, Atkins of Winooski, Bissonnette of Winooski, Botzow of Pownal, Branagan of Georgia, Browning of Arlington, Burke of Brattleboro, Cheney of Norwich, Clarkson of Woodstock, Conquest of Newbury, Copeland-Hanzas of Bradford, Courcelle of Rutland City, Davis of Washington, Deen of Westminster, Donahue of Northfield, Donovan of Burlington, Edwards of Brattleboro, Emmons of Springfield, Evans of Essex, Frank of Underhill, French of Shrewsbury, French of Randolph, Geier of South Burlington, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Hooper of Montpelier, Howard of Rutland City, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Keenan of St. Albans City, Kitzmiller of Montpelier, Klein of East Montpelier, Krebs of South Hero, Lanpher of Vergennes, Larson of Burlington, Leriche of Hardwick, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Maier of Middlebury, Malcolm of Pawlet, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCullough of Williston, McFaun of Barre Town, Milkey of Brattleboro, Miller of Shaftsbury, Minter of Waterbury, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Nease of Johnson, Nuovo of Middlebury, O'Brien of Richmond, Obuchowski of Rockingham, Orr of Charlotte, Partridge of Windham, Pellett of Chester, Peltz of Woodbury, Poirier of Barre City, Ram of Burlington, Reis of St. Johnsbury, Shand of Weathersfield, Sharpe of Bristol, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Sweaney of Windsor, Till of Jericho, Toll of Danville, Townsend of Randolph, Waite-Simpson of Essex, Weston of Burlington, Wheeler of Derby, Zenie of Colchester and Zuckerman of Burlington

Whereas, nuclear weapons continue to pose a threat to civilization, the human species, and life itself; and more nations are seeking to develop them while international terrorists want to acquire them, and

Whereas, former Secretaries of State Henry Kissinger and George Shultz, former Secretary of Defense William Perry, and former Chair of the U.S. Senate Armed Services Committee Sam Nunn have acknowledged the threat

that nuclear weapons pose, and they have repeatedly called for the complete abolition of all nuclear weapons, and

Whereas, United States taxpayers spend over \$52 billion each year for nuclear weapons programs, resources which could be better used to rebuild our schools, roads, and bridges; create a renewable energy economy; and put people back to work, and

Whereas, the Cold War, the reason for the buildup of nuclear stockpiles, ended 20 years ago, but there remain thousands of nuclear weapons poised to unleash in a moment's notice enough destructive power to end most of life on earth, and

Whereas, President Obama has declared his intention to work toward worldwide abolition of these most destructive of weapons, and President Medvedev of Russia and he have agreed the weapons must be eliminated, and

Whereas, the legal cornerstone of international nuclear disarmament, the Nuclear Non-Proliferation Treaty (NPT), will be the subject of an international review conference starting in April 2010 at the United Nations, and

Whereas, the United States and other nations with nuclear weapons have an unfulfilled obligation under Article VI of the NPT to conduct negotiations on nuclear disarmament in good faith, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges the President of the United States to present to the U.N. NPT Review Conference in April 2010 a plan for starting negotiations which will lead to a worldwide mutual and verifiable nuclear weapons abolition treaty, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the President of the United States and to the Vermont Congressional Delegation with a request that it be read into the Congressional Record.

Was read and referred to the committee on General, Housing and Military Affairs.

Bill Amended; Third Reading Ordered

H. 709

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

An act relating to creating a prekindergarten–16 council

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

Sec. 1. POLICY

It is the policy of the state of Vermont to encourage and enable all Vermonters to acquire the postsecondary education and training necessary for the state to develop and maintain a highly educated and engaged citizenry and a competitive workforce.

Sec. 2. 16 V.S.A. § 2905 is added to read:

§ 2905. PREKINDERGARTEN–16 COUNCIL

(a) A prekindergarten–16 council (the “council”) is created to help coordinate and better align the efforts of the prekindergarten–12 educational system with the higher education community in order to increase:

- (1) postsecondary aspirations;
- (2) the enrollment of Vermont high school graduates in higher education programs;
- (3) the postsecondary degree completion rates of Vermont students; and
- (4) public awareness of the economic, intellectual, and societal benefits of higher education.

(b) The council shall be composed of:

- (1) the commissioner of education or designee;
- (2) the commissioner of labor or designee;
- (3) the president of the University of Vermont or designee;
- (4) the chancellor of the Vermont State Colleges or designee;
- (5) the president of the Vermont Student Assistance Corporation or designee;
- (6) the president of the Association of Vermont Independent Colleges or designee;
- (7) a principal of a secondary school selected by the Vermont Principals’ Association;
- (8) a member of a school board selected by the Vermont School Boards Association;

(9) a superintendent selected by the Vermont Superintendents Association;

(10) a teacher selected by the Vermont-National Education Association;

(11) a member of the Building Bright Futures Council or designee;

(12) a technical education director selected by the Vermont Association of Career and Technical Center Directors;

(13) a representative from the business and industry community selected by the Vermont Business Roundtable;

(14) an advocate for low income children selected by Voices for Vermont's Children;

(15) a member of the house of representatives, who shall be selected by the speaker and shall serve until the beginning of the biennium immediately after the one in which the member is appointed;

(16) a member of the senate, who shall be selected by the committee on committees and shall serve until the beginning of the biennium immediately after the one in which the member is appointed; and

(17) a member of the faculty of the Vermont State Colleges, the University of Vermont, or a Vermont independent college selected by United Professions AFT Vermont, Inc.

(c) The council shall develop and regularly update a statewide plan to increase postsecondary aspirations among students of all ages and otherwise advance the purposes for which the council is created, which shall include strategies to:

(1) increase the percentage of Vermonters who earn an associate's or higher level degree or a postsecondary certification;

(2) identify and address areas of educator preparation that could benefit from improved collaboration between the prekindergarten–12 educational system and the higher education community;

(3) promote early career awareness and nurture postsecondary aspirations;

(4) develop programs that guarantee college admission and financial aid for low income students who successfully complete early commitment requirements;

(5) enhance student engagement in secondary school, ensuring that learning opportunities are relevant, rigorous, and personalized and that all

students aspire to and prepare for success in postsecondary learning opportunities;

(6) expand access to dual enrollment programs in order to serve students of varying interests and abilities, including those who are likely to attend college, those who are from groups that attend college at disproportionately low rates, and those who are prepared for a postsecondary curriculum prior to graduation from secondary school;

(7) develop proposals for statewide college and career readiness standards and assessments;

(8) create incentives for adults to begin or continue their postsecondary education that consider, in part, emerging labor markets; and

(9) ensure implementation of a prekindergarten–16 longitudinal data system, which it shall use to assess the success of the plan required by this subsection.

(d) Together with the secretary of administration or the secretary's designee, a higher education subcommittee of the council shall perform any statutory duties required of it in connection with the higher education endowment trust fund. The following members of the council shall be the members of the higher education subcommittee: the president of the University of Vermont, the chancellor of the Vermont State Colleges, the president of the Vermont Student Assistance Corporation, the president of the Association of Vermont Independent Colleges, the representative from the business and industry community, the member of the house of representatives, and the member of the senate.

(e) The legislative and higher education staff shall provide support to the council as appropriate to accomplish its tasks. Primary administrative support shall be provided by the legislative council.

(f) For attendance at meetings during adjournment of the general assembly, legislative members of the council shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406, which shall be paid for by the general assembly. Members of the council identified in subdivisions (b)(7)–(14) of this section who are not state employees and whose participation is not otherwise reimbursed shall be entitled to compensation and reimbursement for expenses for attending meetings at the per-diem rate established in 32 V.S.A. § 1010, which shall be paid on a pro-rata basis by the University of Vermont, the Vermont State Colleges, the Vermont Student Assistance Corporation, and the Association of Vermont Independent Colleges.

(g) The council shall annually elect one of its members to be chair.

(h) The council shall meet at least six times yearly.

(i) The council shall report on its activities to the house and senate committees on education each year in January.

Sec. 3. 16 V.S.A. § 2885 is amended to read:

§ 2885. VERMONT HIGHER EDUCATION ENDOWMENT TRUST FUND

* * *

(d) During the first quarter of each fiscal year, ~~beginning in the year 2000, the commission on higher education funding~~ secretary of administration or the secretary's designee and the higher education subcommittee of the prekindergarten-16 council created in section 2905 of this title may authorize the state treasurer to make an amount equal to up to two percent of the assets available to Vermont public institutions for the purpose of creating or increasing a permanent endowment. In this subsection, "assets" means the average of the fund's market values at the end of each quarter for the most recent 12 quarters, or all quarters of operation, whichever is less. Therefore, up to two percent of the fund assets are hereby annually allocated pursuant to this section, provided that the amount allocated shall not exceed an amount which would bring the fund balance below the initial funding made in fiscal year 2000 plus any additional contributions to the principal. One-half of the amount allocated shall be available to the University of Vermont and one-half shall be available to the Vermont ~~state colleges~~ State Colleges. The University of Vermont or Vermont ~~state colleges~~ State Colleges may withdraw funds upon certification by the withdrawing institution to the commissioner of finance and management that it has received private donations which are double the amount it plans to withdraw.

(e) Annually, by September 30, the state treasurer shall render a financial report on the receipts, disbursements and earnings of the fund for the preceding fiscal year to the ~~commission on higher education funding~~ secretary of administration or the secretary's designee and the higher education subcommittee.

(f) All balances in the fund at the end of any fiscal year shall be carried forward and used only for the purposes set forth in this section. Earnings of the fund which are not withdrawn pursuant to this section shall remain in the fund.

(g) The University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation shall review expenditures made from the fund, evaluate the impact of the expenditures on higher education in Vermont, and report this information to the state treasurer each year in January.

 Sec. 4. REPEAL

16 V.S.A. § 2886 (commission on higher education funding) is repealed, and the commission shall cease to exist on the effective date of this act.

Sec. 5. IMPLEMENTATION

(a) All members of the prekindergarten–16 council created in Sec. 2 of this act shall be selected before August 1, 2010.

(b) The commissioner of education shall convene the first meeting of the prekindergarten–16 council before September 1, 2010.

(c) The strategies developed by the prekindergarten–16 council pursuant to subdivision 2(c)(1) of this act shall include the goal of ensuring that at least 60 percent of the adult population will have earned an associate's or higher-level degree by 2020.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Miller of Shaftsbury, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Education.

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 amended as recommended by the Committee on Education? **Rep. Peltz of Woodbury** 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 recommended by the Committee on Education? was decided in the affirmative. Yeas, 105. Nays, 36.

Those who voted in the affirmative are:

Acinapura of Brandon	Clark of Vergennes	Donovan of Burlington
Ancel of Calais	Clarkson of Woodstock	Edwards of Brattleboro
Aswad of Burlington	Clerkin of Hartford	Emmons of Springfield
Atkins of Winooski	Condon of Colchester	Evans of Essex
Bissonnette of Winooski	Conquest of Newbury	Fisher of Lincoln
Bohi of Hartford	Copeland-Hanzas of	Frank of Underhill
Botzow of Pownal	Bradford	French of Shrewsbury
Branagan of Georgia	Courcelle of Rutland City	French of Randolph
Bray of New Haven	Davis of Washington	Geier of South Burlington
Browning of Arlington	Deen of Westminster	Gilbert of Fairfax *
Burke of Brattleboro	Dickinson of St. Albans	Grad of Moretown
Cheney of Norwich	Town	Haas of Rochester

Head of South Burlington	Martin of Springfield	Pugh of South Burlington
Heath of Westford	Martin of Wolcott	Ram of Burlington
Hooper of Montpelier	Masland of Thetford	Rodgers of Glover
Howard of Cambridge	McCullough of Williston	Scheuermann of Stowe
Howard of Rutland City	McFaun of Barre Town	Shand of Weathersfield
Jerman of Essex	Milkey of Brattleboro	Sharpe of Bristol
Jewett of Ripton	Miller of Shaftsbury	Smith of Mendon
Johnson of South Hero	Minter of Waterbury	South of St. Johnsbury
Keenan of St. Albans City	Mitchell of Barnard	Stevens of Waterbury
Kitzmiller of Montpelier	Mook of Bennington	Sweaney of Windsor
Klein of East Montpelier	Moran of Wardsboro	Taylor of Barre City
Krawczyk of Bennington	Mrowicki of Putney	Till of Jericho
Krebs of South Hero	Nease of Johnson	Toll of Danville
Lanpher of Vergennes	Nuovo of Middlebury	Townsend of Randolph
Larson of Burlington	O'Brien of Richmond	Waite-Simpson of Essex
Lenes of Shelburne	Obuchowski of Rockingham	Webb of Shelburne
Leriche of Hardwick	Olsen of Jamaica	Weston of Burlington
Lippert of Hinesburg	Partridge of Windham	Wilson of Manchester
Lorber of Burlington	Pearce of Richford	Wizowaty of Burlington
Macaig of Williston	Pellet of Chester	Wright of Burlington
Maier of Middlebury	Peltz of Woodbury	Young of St. Albans City
Malcolm of Pawlet	Perley of Enosburg	Zenie of Colchester
Manwaring of Wilmington	Poirier of Barre City	Zuckerman of Burlington
Marek of Newfane	Potter of Clarendon	

Those who voted in the negative are:

Adams of Hartland	Helm of Castleton	McDonald of Berlin
Ainsworth of Royalton	Higley of Lowell	McNeil of Rutland Town
Baker of West Rutland	Howrigan of Fairfield	Morley of Barton
Brennan of Colchester	Hubert of Milton	Morrissey of Bennington
Canfield of Fair Haven	Johnson of Canaan	Myers of Essex
Consejo of Sheldon	Kilmartin of Newport City	O'Donnell of Vernon
Crawford of Burke	Komline of Dorset	Peaslee of Guildhall
Devereux of Mount Holly	Larocque of Barnet	Reis of St. Johnsbury
Donaghy of Poultney	Lawrence of Lyndon	Savage of Swanton
Donahue of Northfield *	Lewis of Derby	Shaw of Pittsford
Fagan of Rutland City	Marcotte of Coventry	Turner of Milton *
Greshin of Warren	McAllister of Highgate	Winters of Williamstown

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

Andrews of Rutland City	Koch of Barre Town	Stevens of Shoreham
Audette of South Burlington	Orr of Charlotte	Wheeler of Derby
Corcoran of Bennington	Spengler of Colchester	

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

Surely, we do not want our state public policy to declare the once respected self-made person a second class citizen. What is good for a majority is not always good for everyone, and we should always respect that. I vote no because this bill implies otherwise.”

Rep. Gilbert of Fairfax explained his vote as follows:

“Mr. Speaker:

I vote yes because only one in five New England college undergraduates succeed in earning a post-secondary degree or credential. A PreK-16 council will focus on a key leak in that pipeline – high school graduation to college continuation. It is a way to improve the quality of our workforce by removing barriers between high school and post-secondary education.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

I support the need for higher education in Vermont, but the high powered lobby of our state institutions is leading this body down a path of secrecy. This bill shifts our focus from the always rising cost of tuition/higher education to a general goal in which we can all support while taking control of the Vermont Higher Education Endowment trust fund. Does the term “putting the fox in charge of the hen house: mean anything to you?”

Thereupon, third reading was ordered.

Bill Committed

H. 776

House bill, entitled

An act relating to rental housing

Was taken up and pending third reading of the bill, on motion of **Rep. Head of South Burlington**, the bill was committed to the committee on Ways and Means.

Third Reading; Bills Passed

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

H. 528

House bill, entitled

An act relating to the illegal cutting, removal, or destruction of forest products;

H. 775

House bill, entitled

An act relating to technical changes to the records management authority of the Vermont state archives and records administration;

Proposal of Amendment Agreed to, Bill Read Third Time and Passed in Concurrence with Proposal of Amendment; Rules Suspended; And Bill Ordered Messaged to the Senate Forthwith

S. 288

Senate bill, entitled

An act relating to the Vermont recovery and reinvestment act of 2010

Was taken up and pending third reading of the bill, **Rep. Bray of New Haven** moved to amend the House proposal of amendment as follows:

By adding a new Sec. 13a to read as follows:

Sec. 13a. 10 V.S.A. § 330(c)(4) is added to read:

(4) The farm-to-plate investment program strategic plan shall also include recommendations regarding measurable outcomes that shall be tracked over the ten-year life of the plan; methods for the ongoing collection of data necessary to track those outcomes; plans for updating the plan as needed; and appropriate methods to track the ongoing economic contribution of the farm and food sector to the Vermont economy.

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

On motion of **Rep. Konline of Dorset**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Bill Amended, Read Third Time and Passed

H. 779

House bill, entitled

An act relating to potable water supply and wastewater system permits

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

By adding Sec. 1a. to read:

Sec. 1a. 10 V.S.A. § 1973(k) is added to read:

(k) A retail business may place up to three picnic tables outdoors within the bounds of its property without being required to obtain any state or local permit or permit amendment otherwise required under this chapter.

Which was agreed to on a Division vote. Yeas, 53. Nays, 35.

Thereupon, the bill was read the third time and passed

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

S. 292

Rep. Lippert of Hinesburg moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to term probation, the right to bail, medical care of inmates, and a reduction in the number of nonviolent prisoners, probationers, and detainees

And that the bill be committed to the committee on Corrections and Institutions, which was agreed to.

Adjournment

At eleven o'clock and twenty minutes in the forenoon, on motion of **Rep. Komline of Dorset**, the House adjourned until Tuesday, March 23, 2010, at ten o'clock in the forenoon, pursuant to the provisions of 53.