

Journal of the House

Friday, April 2, 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, VT.

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 Caitlin Costello of Burlington
Page Paul Croizet of Westfield
Page Brandon Garbacik of Barre Town
Page Jasmine Jones of Northfield
Page Johannah Mitchell of Burlington
Page Brian Renfro of Hartland
Page Zivah Solomon of Worcester
Page Tanner Starr of North Troy
Page Louise Weed of Putney
Page Shelli Young of St. Albans City

Recess

At ten o'clock and five minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

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

Third Reading; Bill Passed

H. 689

House bill, entitled

An act relating to the Uniform Common Interest Ownership Act;

Was taken up, read the third time and passed.

Bill Amended, Read Third Time and Passed**H. 790**

House bill, entitled

An act relating to capital construction and state bonding;

Was taken up and pending third reading of the bill, **Reps. Donahue of Northfield, Koch of Barre Town, O'Donnell of Vernon and Poirier of Barre City** moved to amend the bill as follows:

Following Sec. 39 by inserting a Sec. 40 to read:

Sec. 40. VERMONT STATE HOSPITAL CAPITAL RESERVE

Of the amount appropriated in Sec. D 101(c) for the human services caseload reserve created by 32 V.S.A. § 308b, one-half shall be deposited into a capital reserve fund which is hereby created in the general fund. Upon appropriation by the general assembly, monies in the fund shall be used for replacement of services of the Vermont state hospital as components receive certificate of need approval.

and by renumbering the remaining Secs to be numerically correct

Which was disagreed to.

Pending third reading of the bill, **Rep. Clark of Vergennes** moved to amend the bill as follows:

First: In Sec. 7(3), at the end of the subdivision, by striking “6,355,111” and inserting in lieu thereof “7,211,023”, and at the end of Sec. 7 by striking “7,000,000” and inserting in lieu thereof “7,855,912”

Second: In Sec. 21 (1), by striking “2,000,000” and inserting in lieu thereof “3,000,000”, and at the end of Sec. 21 by striking “\$3,851,280” and inserting in lieu thereof “\$4,851,280”

Third: In Sec. 22, in the first sentence, by striking “\$5,000,000” and inserting in lieu thereof “\$3,144,088”, and at the end of the Sec. by striking “\$5,000,000” and inserting in lieu thereof “\$3,144,088”

Fourth: In Sec. 22 at the beginning of the Sec., before the words “The amount of” by inserting (a), and at the end of the Sec., following subdivision (5) by inserting a subsection (b) to read:

(b) In no case, shall the term of any loan administered by the board exceed a period of thirty years, inclusive of extension and deferral periods.

Rep. Clark of Vergennes asked that the question be divided and the first, second and third instances of amendment be taken up first.

Thereupon, the first second and third instances of amendment were disagreed to.

Pending the question, Shall the bill be amended as offered by Rep. Clark of Vergennes in the fourth instance? **Rep. Stevens of Waterbury** 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 offered by Rep. Clark of Vergennes in the fourth instance? was decided in the negative. Yeas, 32. Nays, 91.

Those who voted in the affirmative are:

Acinapura of Brandon	Donahue of Northfield	McAllister of Highgate
Ainsworth of Royalton	Helm of Castleton	McDonald of Berlin
Baker of West Rutland	Higley of Lowell	McFaun of Barre Town
Branagan of Georgia	Howard of Cambridge	O'Donnell of Vernon
Canfield of Fair Haven	Hubert of Milton	Olsen of Jamaica
Clark of Vergennes	Johnson of Canaan	Pearce of Richford
Crawford of Burke	Kilmartin of Newport City	Peaslee of Guildhall
Devereux of Mount Holly	Komline of Dorset	Perley of Enosburg
Dickinson of St. Albans	Krawczyk of Bennington	Savage of Swanton
Town	Lawrence of Lyndon	Scheuermann of Stowe
Donaghy of Poultney	Marcotte of Coventry	Winters of Williamstown

Those who voted in the negative are:

Ancel of Calais	Fisher of Lincoln	Lenes of Shelburne
Andrews of Rutland City	Frank of Underhill	Leriche of Hardwick
Aswad of Burlington	French of Shrewsbury	Lippert of Hinesburg
Atkins of Winooski	French of Randolph	Lorber of Burlington
Bissonnette of Winooski	Geier of South Burlington	Macaig of Williston
Botzow of Pownal	Gilbert of Fairfax	Maier of Middlebury
Bray of New Haven	Grad of Moretown	Malcolm of Pawlet
Browning of Arlington	Greshin of Warren	Manwaring of Wilmington
Cheney of Norwich	Haas of Rochester	Marek of Newfane
Clarkson of Woodstock	Head of South Burlington	Martin of Springfield
Clerkin of Hartford	Heath of Westford	Martin of Wolcott
Condon of Colchester	Hooper of Montpelier	Masland of Thetford
Conquest of Newbury	Howard of Rutland City	Milkey of Brattleboro
Copeland-Hanzas of	Howrigan of Fairfield	Miller of Shaftsbury
Bradford	Jerman of Essex	Minter of Waterbury
Corcoran of Bennington	Keenan of St. Albans City	Mitchell of Barnard
Courcelle of Rutland City	Kitzmiller of Montpelier	Mook of Bennington
Donovan of Burlington	Klein of East Montpelier	Moran of Wardsboro
Emmons of Springfield	Larocque of Barnet	Morrissey of Bennington
Evans of Essex	Larson of Burlington	Myers of Essex

Nease of Johnson	Reis of St. Johnsbury *	Townsend of Randolph
Nuovo of Middlebury	Rodgers of Glover	Turner of Milton
O'Brien of Richmond	Shand of Weathersfield	Weston of Burlington
Obuchowski of Rockingham	Sharpe of Bristol	Wheeler of Derby
Orr of Charlotte	Shaw of Pittsford	Wilson of Manchester
Partridge of Windham	Smith of Mendon	Wizowaty of Burlington
Pellett of Chester	Spengler of Colchester	Wright of Burlington
Peltz of Woodbury	Stevens of Waterbury	Young of St. Albans City
Potter of Clarendon	Sweaney of Windsor	Zenie of Colchester
Pugh of South Burlington	Taylor of Barre City	Zuckerman of Burlington
Ram of Burlington	Till of Jericho	

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

Adams of Hartland	Fagan of Rutland City	Morley of Barton
Audette of South Burlington	Jewett of Ripton	Mrowicki of Putney
Bohi of Hartford	Johnson of South Hero	Poirier of Barre City
Brennan of Colchester	Koch of Barre Town	South of St. Johnsbury
Burke of Brattleboro	Krebs of South Hero	Stevens of Shoreham
Consejo of Sheldon	Lanpher of Vergennes	Toll of Danville
Davis of Washington	Lewis of Derby	Waite-Simpson of Essex
Deen of Westminster	McCullough of Williston	Webb of Shelburne
Edwards of Brattleboro	McNeil of Rutland Town	

Rep. Reis of St. Johnsbury explained his vote as follows:

“Mr. Speaker:

I voted no because I believe the amendment is too absolute. However, by making so called “loans.” that are really grants, the VHCB is deceiving both the Feds and the taxpayers of Vermont. This is a clear case of the end justifying the means. Some of history’s greatest injustices have been perpetrated because the end justified the means.

Pending third reading of the bill, **Rep. Emmons of Springfield** moved to amend the bill as follows:

In Sec.34 as follows:

First: In subsection (a), following the words “The secretary of administration” by inserting “, working with the state treasurer.”

Second: Following subdivision (a)(2)(D) by inserting a new subdivision (E) to read:

(E) Authorizing occasional increases in the debt limit to accommodate specific projects.

And by relettering the remaining subdivision to be alphabetically correct

Which was agreed to.

Pending third reading of the bill, **Rep. McAllister of Highgate** moved to amend the bill as follows:

By striking Sec. 22 in its entirety and inserting in lieu thereof a new Sec. 22 to read:

Sec. 22. DAIRY FARMS

(a) The amount of \$5,000,000 is appropriated to the agency of agriculture, food and markets for Vermont dairy farms through Vermont dairy farmer applications. No more than one dairy farmer may apply per farm. A dairy farmer is a person who earns more than 51 percent of his or her income from dairy farming.

(b) The agency shall distribute the funds equally among all dairy farmers who apply. Each farmer who applies in the first half of fiscal year 2011 shall receive \$4,500. After January 1, 2011, the agency shall distribute the remaining funds equally among all dairy farmers who have applied by that date.

Total Appropriation – Section 22

\$5,000,000

Rep. Nease of Johnson raised a Point of Order that the amendment is not germane to the bill, which Point of Order the Speaker ruled well taken in that the bill deals with affordable housing and conserving land from development.

Thereupon, the bill was read a third time.

Pending the question, Shall the bill pass? **Rep. Nease of Johnson** 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, 125. Nays, 0.

Those who voted in the affirmative are:

Acinapura of Brandon	Canfield of Fair Haven	Devereux of Mount Holly
Ainsworth of Royalton	Cheney of Norwich	Dickinson of St. Albans
Ancel of Calais	Clark of Vergennes	Town
Andrews of Rutland City	Clarkson of Woodstock	Donahue of Northfield
Aswad of Burlington	Clerkin of Hartford	Donovan of Burlington
Atkins of Winooski	Condon of Colchester	Emmons of Springfield
Bissonnette of Winooski	Conquest of Newbury	Evans of Essex
Botzow of Pownal	Copeland-Hanzas of	Fisher of Lincoln
Branagan of Georgia	Bradford	Frank of Underhill
Bray of New Haven	Corcoran of Bennington	French of Shrewsbury
Brennan of Colchester	Courcelle of Rutland City	French of Randolph
Browning of Arlington	Crawford of Burke	Geier of South Burlington

Gilbert of Fairfax	Malcolm of Pawlet	Perley of Enosburg
Grad of Moretown	Manwaring of Wilmington	Potter of Clarendon
Greshin of Warren	Marcotte of Coventry	Pugh of South Burlington
Haas of Rochester	Marek of Newfane	Ram of Burlington
Head of South Burlington	Martin of Springfield	Reis of St. Johnsbury
Heath of Westford	Martin of Wolcott	Rodgers of Glover
Helm of Castleton	Masland of Thetford	Savage of Swanton
Higley of Lowell	McAllister of Highgate	Scheuermann of Stowe
Hooper of Montpelier	McDonald of Berlin	Shand of Weathersfield
Howard of Cambridge	McFaun of Barre Town	Sharpe of Bristol
Howard of Rutland City	Milkey of Brattleboro	Shaw of Pittsford
Howrigan of Fairfield	Miller of Shaftsbury	Smith of Mendon
Hubert of Milton	Minter of Waterbury	Spengler of Colchester
Jerman of Essex	Mitchell of Barnard	Stevens of Waterbury
Jewett of Ripton	Mook of Bennington	Sweaney of Windsor
Johnson of Canaan	Moran of Wardsboro	Taylor of Barre City
Keenan of St. Albans City	Morley of Barton	Till of Jericho
Kilmartin of Newport City	Morrissey of Bennington	Townsend of Randolph
Kitzmiller of Montpelier	Mrowicki of Putney	Turner of Milton
Klein of East Montpelier	Myers of Essex	Waite-Simpson of Essex
Komline of Dorset	Nease of Johnson	Weston of Burlington
Krawczyk of Bennington	Nuovo of Middlebury	Wheeler of Derby
Larocque of Barnet	Obuchowski of Rockingham	Wilson of Manchester
Larson of Burlington	O'Donnell of Vernon	Winters of Williamstown
Lawrence of Lyndon	Olsen of Jamaica	Wizowaty of Burlington
Lenes of Shelburne	Orr of Charlotte	Wright of Burlington
Leriche of Hardwick	Partridge of Windham	Young of St. Albans City
Lippert of Hinesburg	Pearce of Richford	Zenie of Colchester
Lorber of Burlington	Peaslee of Guildhall	Zuckerman of Burlington
Macaig of Williston	Pellett of Chester	
Maier of Middlebury	Peltz of Woodbury	

Those who voted in the negative are:

none

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

Adams of Hartland	Donaghy of Poultney	McCullough of Williston
Audette of South Burlington	Edwards of Brattleboro	McNeil of Rutland Town
Baker of West Rutland	Fagan of Rutland City	O'Brien of Richmond
Bohi of Hartford	Johnson of South Hero	Poirier of Barre City
Burke of Brattleboro	Koch of Barre Town	South of St. Johnsbury
Consejo of Sheldon	Krebs of South Hero	Stevens of Shoreham
Davis of Washington	Lanpher of Vergennes	Toll of Danville
Deen of Westminster	Lewis of Derby	Webb of Shelburne

Action on Bill Postponed**H. 791**

House bill, entitled

An act relating to the tax expenditure budget

Was taken up and pending second reading of the bill, on motion of **Rep. Condon of Colchester**, action on the bill was postponed until the next legislative day.

Action on Bill Postponed**H. 760**

House bill, entitled

An act relating to the repeal or revision of certain boards and commissions

Was taken up and pending the reading of the report of the committee on Government Operations, on motion of **Rep. Sweaney of Windsor**, action on the bill was postponed until the next legislative day.

Action on Bill Postponed**H. 778**

House bill, entitled

An act relating to amending miscellaneous provisions in Vermont's public retirement systems

Was taken up and pending the reading of the report of the committee on Government Operations, on motion of **Rep. Hubert of Milton**, action on the bill was postponed until the next legislative day.

Message from the Senate No. 28

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 bills originating in the House of the following titles:

H. 461. An act relating to small estates.

H. 600. An act relating to permitted investments by the state treasurer.

And has passed the same in concurrence.

The Senate has considered joint resolutions originating in the House of the following titles:

J.R.H. 35. Joint resolution urging Congress not to diminish any aspect of the existing state regulatory authority over the insurance industry or consumer protection policy with respect to national banks.

J.R.H. 39. Joint resolution urging Congress not to pursue legislation allowing individuals or small groups to purchase health insurance across state lines or permitting health insurance companies to offer individual or small group health insurance policies to residents of a state if the company is not authorized by that state to offer those policies.

And has adopted the same in concurrence.

Adjournment

At twelve o'clock and fifty minutes in the afternoon, on motion of **Rep. Komline of Dorset**, the House adjourned until Tuesday, April 6, 2010, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 58.