

# Journal of the House

of the

STATE OF VERMONT  
BIENNIAL SESSION, 2011

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Wednesday, January 5, 2011

Pursuant to the provisions of the Constitution and Laws of the State of Vermont, the member-elect of the House of Representatives convened in the State House in Montpelier on the first Wednesday after the first Monday, being the fifth day of January, in the year of our Lord, two thousand and eleven.

At ten o'clock in the forenoon, the Honorable Deborah L. Markowitz, Secretary of State, called the House to order for the seventy-first biennial session.

## Devotional Exercises

Devotional exercises were conducted by Rev. Michael Augustinowicz of St. Augustine Church, Montpelier, Vermont.

## Pledge of Allegiance

Page Lucy Terrien of Colchester, led the House in the Pledge of Allegiance.

## Roll Call

Secretary of State, Deborah Markowitz, called the roll for the seventy-first biennial session:

Addison-1	Betty A. Nuovo Paul Ralston
Addison-2	Willem W. Jewett
Addison-3	Gregory S. Clark Diane Lanpher
Addison-4	Michael Fisher David Sharpe
Addison-5	Harvey T. Smith

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Addison- Rutland-1	William C. Stevens
Bennington-1	William G. F. Botzow II
Bennington-2-1	Brian Campion Timothy R. Corcoran, II
Bennington-2-2	Anne H. Mook Mary A. Morrissey
Bennington-3	Alice Miller
Bennington-4	Jeff Wilson
Bennington-5	Cynthia M. Browning
Bennington- Rutland-1	Patti Komline
Caledonia-1	Leigh B. Larocque
Caledonia-2	Lucy Leriche
Caledonia-3	Gerald W. Reis Robert South
Caledonia-4	Howard Crawford Richard Lawrence
Caledonia- Washington-1	Kitty Beattie-Toll
Chittenden-1-1	William J. Lippert, Jr.
Chittenden-1-2	Michael Yantachka
Chittenden-2	Terrance Macaig James M. McCullough

Chittenden-3-1 William N. Aswad  
Kurt Wright

Chittenden-3-2 Mark Larson

Chittenden-3-3 Jason P. Lorber  
Rachel Weston

Chittenden-3-4 Christopher A. Pearson  
Kesha Ram

Chittenden-3-5 Johannah L. Donovan  
Suzi Wizowaty

Chittenden-3-6 Kenneth W. Atkins  
Clement J. Bissonnette

Chittenden-3-7 Michele F. Kupersmith

Chittenden-3-8 Ann D. Pugh

Chittenden-3-9 Robert Munger

Chittenden-3-10 Helen J. Head

Chittenden-4 Anne T. O'Brien

Chittenden-5-1 Kate Webb

Chittenden-5-2 Joan G. Lenes

Chittenden-6-1 Debbie G. Evans  
Linda K. Myers

Chittenden-6-2 Timothy Jerman  
Linda Waite-Simpson

Chittenden-6-3 Martha P. Heath

Chittenden-7-1 Bob Bouchard  
James O. Condon

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Chittenden-7-2	Patrick M. Brennan Kristy K. Spengler
Chittenden-8	William R. Frank George Till
Chittenden-9	Ronald E. Hubert Donald H. Turner, Jr.
Essex- Caledonia-1	Janice L. Peaslee
Essex- Caledonia- Orleans	William F. Johnson
Franklin-1	Carolyn W. Branagan Gary L. Gilbert
Franklin-2	Eileen Dickinson Richard J. Howrigan
Franklin-3	Dustin Allard Degree Kathleen C. Keenan
Franklin-4	Peter Perley
Franklin-5	Michel Consejo Brian K. Savage
Franklin-6	Norman H. McAllister, Sr. Albert Pearce
Grand Isle- Chittenden-1	Mitzi Johnson Robert C. Krebs
Lamoille-1	Heidi E. Scheuermann
Lamoille-2	Linda J. Martin

Lamoille-3	Floyd W. Nease
Lamoille-4	Adam B. Howard
Lamoille- Washington-1	Peter Peltz Shapleigh Smith, Jr.
Orange-1	Susan Hatch Davis Philip C. Winters
Orange-2	Sarah Copeland-Hanzas
Orange- Addison-1	Patsy French Lawrence Townsend
Orange- Caledonia-1	Chip Conquest
Orleans-1	Lynn D. Batchelor Robert Lewis
Orleans-2	Duncan F. Kilmartin Michael J. Marcotte
Orleans- Caledonia-1	Vicki Strong Sam Young
Orleans- Franklin-1	Mark A. Higley
Rutland-1-1	Andrew P. Donaghy
Rutland-1-2	Tom Burditt David E. Potter
Rutland-2	William P. Canfield Robert G. Helm
Rutland-3	Eldred French

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Rutland-4	James L. McNeil
Rutland-5-1	Peter J. Fagan
Rutland-5-2	Margaret Andrews
Rutland-5-3	Herb Font-Russell
Rutland-5-4	Gale P. Courcelle
Rutland-6	Charles Shaw
Rutland-7	Joseph Acinapura
Rutland-8	John W. Malcolm
Rutland- Windsor-1	James Eckhardt
Washington-1	Adam Greshin
Washington-2	Anne B. Donahue Maxine Jo Grad
Washington-3-1	Paul N. Poirier
Washington-3-2	Tess Taylor
Washington-3-3	Patti J. Lewis
Washington-4	Thomas F. Koch Francis M. McFaun
Washington-5	Mary S. Hooper Warren F. Kitzmiller
Washington-6	Janet Ancel
Washington-7	Anthony W. Klein
Washington-	Susan M. Minter

Chittenden-1	Thomas Stevens
Windham-1	Mike Hebert
Windham-2	Ann P. Manwaring
Windham-3-1	Valerie A. Stuart
Windham-3-2	Mollie S. Burke
Windham-3-3	Sarah R. Edwards
Windham-4	Michael J. Obuchowski Carolyn W. Partridge
Windham-5	David L. Deen Michael Mrowicki
Windham-6	Richard J. Marek
Windham- Bennington-1	John Moran
Windham- Bennington- Windsor-1	Oliver K. Olsen
Windsor-1-1	Leigh J. Dakin
Windsor-1-2	Alice M. Emmons Cynthia T. Martin
Windsor-2	Ernest W. Shand
Windsor-3	Donna G. Sweaney
Windsor-4	John L. Bartholomew
Windsor-5	Alison H. Clarkson
Windsor-6-1	Mark B. Mitchell

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Windsor-6-2	Charles S. Bohi Kevin Christie
Windsor- Orange-1	Sarah E. Buxton
Windsor- Orange-2	Margaret Cheney James W. Masland
Windsor- Rutland-1	Dennis J. Devereux
Windsor- Rutland-2	Sandy Haas

#### **Quorum Present**

Thereupon, the Secretary of State declared that a quorum of the members-elect was present.

#### **Election of Speaker**

The Secretary of State directed the House to the election of a Speaker for the two years next ensuing.

**Rep. Deen of Westminster** presented the name of **Rep. Shapleigh Smith of Morristown**.

Thereupon, Rep. Deen of Westminster's nomination for Speaker was seconded by **Rep. Branagan of Georgia**.

**Rep. Turner of Milton** moved that nominations cease and the Secretary of State cast one ballot for Rep. Shapleigh Smith of Morristown as Speaker of the House, which was agreed to.

Thereupon, the Secretary of State declared that

#### **Rep. Shapleigh Smith, Jr.**

the Representative from the town of Morristown, having a majority of the votes, was elected Speaker of the House of Representatives for the two years next ensuing.

The Secretary of State designated:

**Rep. Leriche of Hardwick**

**Rep. Jewett of Ripton**

**Rep. Turner of Milton**

**Rep. Komline of Dorset**

**Rep. Deen of Westminster**

**Rep. Branagan of Georgia**

as a committee to wait upon the Speaker-elect, inform him of his election and conduct him to the rostrum to receive the oath of office.

**Oath Administered**

The Speaker-elect was conducted to the rostrum, the oath of office administered by the Secretary of State, and thereupon, the Speaker was conducted to the Chair and assumed his duties.

**Election of Clerk**

The Speaker directed the House to the election of a Clerk for the two years next ensuing.

**Rep. Leriche of Hardwick** presented the name of Donald G. Milne of Washington.

Mr. Milne's nomination for Clerk of the House was seconded by **Rep. Turner of Milton**.

There being no further nominations, the Speaker then directed that the vote be taken *viva voce*.

The vote having been taken, the Speaker declared that

**Donald G. Milne**

of Washington was unanimously elected Clerk of the House of Representatives for the two years next ensuing.

The Speaker designated:

**Rep. Leriche of Hardwick**

**Rep. Turner of Milton**

**Rep. Davis of Washington**

**Rep. Winters of Williamstown**

as a committee to wait upon the Clerk-elect, inform him of his election and conduct him to the bar of the House to receive the oath of office.

**Oath Administered**

The Clerk-elect was conducted to the bar of the House, the oath of office administered by Nicole Frey, granddaughter of the Clerk-elect, and thereupon, the Clerk entered upon the discharge of his duties.

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**Oath Administered to Members-Elect**

Thereupon, the Representatives-elect each took and subscribed the oath, administered by the Clerk, as required by the Constitution and laws of the State.

**Communication from Clerk**

The Speaker placed before the House a communication from the Clerk as follows:

“January 5, 2011

Honorable  
Speaker of the House

Sir,

I have the honor to inform you and the members of the House that I have appointed William M. MaGill of Montpelier as First Assistant Clerk, Gwynn Zakov of Barre as Second Assistant Clerk, Cathleen M. Cameron of Montpelier as Journal Clerk, Jean L. Jasman of Montpelier as Calendar Clerk and Marlene Velandar of Berlin as Resolution/Status Clerk.

Sincerely,

s/s Donald G. Milne  
Clerk of the House”

**Oath Administered to Clerks**

The Doorkeepers were directed to conduct William M. MaGill, the First Assistant Clerk, and Gwynn Zakov, the Second Assistant Clerk, to the bar of the House where the oath was administered by the Clerk.

Thereupon, the assistant clerks entered upon the discharge of their duties.

**House Resolutions Adopted**

The Speaker placed before the House the following House resolutions which were read and adopted on the part of the House.

**H.R. 1**

House resolution, entitled

House resolution relating to House rules

By Reps. Leriche of Hardwick and Turner of Milton

Resolved by the House of Representatives

That the House rules in effect at the end of the 2009-2010 session be the rules of this biennial session until others are adopted.

### **H.R. 2**

House resolution, entitled

House resolution relating to the organization of the House and informing of Senate thereof

By Reps. Leriche of Hardwick and Turner of Milton

Resolved by the House of Representatives

That the Clerk of the House inform the Senate that the House has organized and is ready on its part to proceed with the business of the session..

### **H.R. 3**

House resolution, entitled

House resolution relating to the organization of the House and informing of the Governor thereof

By Reps. Leriche of Hardwick and Turner of Milton

Resolved by the House of Representatives

That His Excellency, the Governor, be informed by Committee that the House has completed its organization and is ready to receive any communication from him.

### **Committee Appointed**

Pursuant to the provision of H.R. 3, the Speaker appointed the following as members of the Committee to inform the Governor of the organization of the House.

**Rep. Leriche of Hardwick**

**Rep. Jewett of Ripton**

**Rep. Turner of Milton**

**Rep. Komline of Dorset**

**Rep. Deen of Westminster**

**Rep. Dickinson of St. Albans Town**

### **Joint Resolutions Adopted in Concurrence**

The following Joint resolutions were severally taken up, read and adopted in concurrence.

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**House Rules Committee Announced**

Pursuant to the provisions of House Rule 25, the following members were elected by their respective caucus to the Committee on Rules:

**Rep. Leriche of Hardwick**  
**Rep. Jewett of Ripton**  
**Rep. Turner of Milton**  
**Rep. Komline of Dorset**  
**Rep. Deen of Westminster**  
**Rep. Koch of Barre Town**

**Message from the Senate No. 1**

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:

A quorum of the Senate has assembled and organized by the election of

**JOHN H. BLOOMER, JR**

of the Town of Wallingford, Secretary, who in turn has appointed

**STEVEN D. MARSHALL**

of the Town of Swanton, Assistant Secretary, and by the election of

**JOHN F. CAMPBELL**

of the Town of Quechee, Windsor District, President *pro tempore*.

**Message from the Senate No. 2**

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 on its part adopted joint resolutions of the following titles:

**J.R.S. 1.** Joint resolution relating to joint rules.

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to hear the farewell message of the Governor.

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

**J.R.S. 4.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

**J.R.S. 5.** Joint resolution relating to Town Meeting adjournment.

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

**Message from the Senate No. 3**

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 appointed as members of the Joint Canvassing Committee on the part of the Senate to canvass votes for state offices:

Addison District	Senator Giard
Bennington District	Senator Hartwell
Caledonia District	Senator Benning
Chittenden District	Senator Baruth
Essex-Orleans District	Senator Starr
Franklin District	Senator Brock
Grand Isle District	Senator Mazza
Lamoille District	Senator Westman
Rutland District	Senator Flory
Washington District	Senator Pollina
Windham District	Senator White
Windsor District	Senator Nitka

The President has designated Senator White as Chair on the part of the Senate.

**Joint Resolutions Adopted in Concurrence**

The following Joint resolutions were severally taken up, read and adopted in concurrence.

**J.R.S. 1**

By Senator MacDonald,

**J.R.S. 1.** Joint resolution relating to joint rules.

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***Resolved by the Senate and House of Representatives:***

That the joint rules of the Senate and the House as adopted in 2009 be adopted as the joint rules of this biennial session until others are adopted.

**J.R.S. 2**

By Senators Mazza and Doyle,

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to hear the farewell message of the Governor.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Wednesday, January 5, 2011, at two o'clock in the afternoon to receive the message of the

**J.R.S. 3**

By Senator White,

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 6, 2011, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the freemen and freewomen of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the freemen and freewomen.

**J.R.S. 4**

By Senator Campbell,

**J.R.S. 4.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 6, 2011, at one o'clock and thirty minutes in the afternoon to receive the inaugural message of the Governor.

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**Committees Announced**

The Speaker announced the 2011-12 House standing committees as follows:

**AGRICULTURE**

Partridge, Chair	of Windham
Lawrence, Vice-Chair	of Lyndon
Malcolm ®	of Pawlet
Bartholomew	of Hartland
Conquest	of Newbury
Howrigan	of Fairfield
Kilmartin	of Newport City
McAllister	of Highgate
McNeil	of Rutland Town
Stevens	of Shoreham
Taylor	of Barre City

**APPROPRIATIONS**

Heath, Chair	of Westford
Johnson, Vice-Chair	of South Hero
Helm ®	of Castleton
Acinapura	of Brandon
Keenan	of St. Albans City
Manwaring	of Wilmington
Miller	of Shaftsbury
O'Brien	of Richmond
Pearce	of Richford
Toll	of Danville
Winters	of Williamstown

**COMMERCE & ECONOMIC DEVELOPMENT**

Botzow, Chair	of Pownal
Marcotte, Vice-Chair	of Coventry
Shand ®	of Weathersfield
Dickinson	of St. Albans Town
Font-Russell	of Rutland
Kitzmiller	of Montpelier
Kupersmith	of So. Burlington
Ralston	of Middlebury
Scheuermann	of Stowe
Turner	of Milton
Young	of Albany

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**CORRECTIONS & INSTITUTIONS**

Emmons, Chair	of Springfield
Myers, Vice-Chair	of Essex
Lenes ®	of Shelburne
Browning	of Arlington
Davis	of Washington
Hooper	of Montpelier
Larocque	of Barnet
Lorber	of Burlington
Macaig	of Williston
Shaw	of Pittsford
South	of St. Johnsbury

**EDUCATION**

Donovan, Chair	of Burlington
Crawford, Vice-Chair	of Burke
Peltz ®	of Woodbury
Buxton	of Royalton
Campion	of Bennington
Christie	of Hartford
Clark	of Vergennes
Gilbert	of Fairfax
Lewis	of Berlin
Perley	of Enosburg
Stuart	of Brattleboro

**FISH, WILDLIFE & WATER RESOURCES**

Deen, Chair	of Westminster
McCullough, Vice-Chair	of Williston
Lewis ®	of Derby
Degree	of St. Albans City
Fagan	of Rutland City
Krebs	of South Hero
Leriche	of Hardwick
Munger	of South Burlington
Webb	of Shelburne

**GENERAL, HOUSING & MILITARY AFFAIRS**

Head, Chair	of South Burlington
Moran, Vice-Chair	of Wardsboro
Savage ®	of Swanton

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Andrews	of Rutland City
Bouchard	of Colchester
Ram	of Burlington
Smith	of New Haven
Stevens	of Waterbury

### GOVERNMENT OPERATIONS

Sweaney, Chair	of Windsor
Atkins, Vice-Chair	of Winooski
Devereux ®	of Mount Holly
Consejo	of Sheldon
Evans	of Essex
Higley	of Lowell
Hubert	of Milton
Jewett	of Ripton
Martin	of Wolcott
Mook	of Bennington
Townsend	of Randolph

### HEALTH CARE

Larson, Chair	of Burlington
Fisher, Vice-Chair	of Lincoln
Poirier ®	of Barre City
Copeland-Hanzas	of Bradford
Dakin	of Chester
Eckhardt	of Chittenden
Morrissey	of Bennington
Pearson	of Burlington
Spengler	of Colchester
Strong	of Albany
Till	of Jericho

### HUMAN SERVICES

Pugh, Chair	of So. Burlington
Haas, Vice-Chair	of Rochester
Donahue ®	of Northfield
Batchelor	of Derby
Burditt	of West Rutland
Frank	of Underhill
French	of Randolph
McFaun	of Barre Town

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Mrowicki	of Putney
Nease	of Johnson
Obuchowski	of Rockingham

### JUDICIARY

Lippert, Chair	of Hinesburg
Grad, Vice-Chair	of Moretown
Koch ®	of Barre Town
Donaghy	of Poultney
French	of Shrewsbury
Komline	of Dorset
Marek	of Newfane
Martin	of Springfield
Reis	of St. Johnsbury
Waite-Simpson	of Essex
Wizowaty	of Burlington

### NATURAL RESOURCES & ENERGY

Klein, Chair	of East Montpelier
Cheney, Vice-Chair	of Norwich
Canfield ®	of Fair Haven
Edwards	of Brattleboro
Hebert	of Vernon
Jerman	of Essex Junction
Minter	of Waterbury
Mitchell	of Barnard
Nuovo	of Middlebury
Wright	of Burlington
Yantachka	of Charlotte

### TRANSPORTATION

Brennan, Chair	of Colchester
Potter, Vice-Chair	of Clarendon
Corcoran ®	of Bennington
Aswad	of Burlington
Bissonnette	of Winooski
Bohi	of Hartford
Burke	of Brattleboro
Courcelle	of Rutland City
Howard	of Cambridge
Lanpher	of Vergennes
Peaslee	of Guildhall

**WAYS & MEANS**

Ancel, Chair	of Calais
Branagan, Vice-Chair	of Georgia
Sharpe ®	of Bristol
Clarkson	of Woodstock
Condon	of Colchester
Greshin	of Warren
Johnson	of Canaan
Masland	of Thetford
Olsen	of Jamaica
Weston	of Burlington
Wilson	of Manchester

**Recess**

At eleven o'clock and thirty-five minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

At one o'clock in the afternoon, the Speaker called the House to order.

**Seating of Members**

Pursuant to the provisions of House Rule 5, the members were seated.

**Canvassing Committee Elected**

The Speaker nominated as the Committee on the part of the House to canvass votes for state officers, the following named members:

Addison District	Nuovo of Middlebury Lanpher of Vergennes Smith of New Haven
Bennington District	Morrissey of Bennington Wilson of Manchester Browning of Arlington
Caledonia District	South of St. Johnsbury Reis of St. Johnsbury Toll of Danville
Chittenden District	Hubert of Milton Aswad of Burlington Pearson of Burlington

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Essex-Orleans District	Lewis of Derby Higley of Lowell Johnson of Canaan
Franklin District	Gilbert of Fairfax Howrigan of Fairfield Savage of Swanton
Grand Isle District	Krebs of South Hero Condon of Colchester Spengler of Colchester
Lamoille District	Howard of Cambridge Nease of Johnson Scheuermann of Stowe
Orange District	Davis of Washington Townsend of Randolph Masland of Thetford
Rutland District	French of Shrewsbury Fagan of Rutland City Shaw of Pittsford
Washington District	Stevens of Waterbury Taylor of Barre City Donahue of Northfield
Windham District	Burke of Brattleboro Marek of Newfane Mrowicki of Putney
Windsor District	Bohi of Hartford Clarkson of Woodstock Mitchell of Barnard

**Rep. Leriche of Hardwick** moved the election of the candidates, as nominated by the Speaker.

Thereupon, the Speaker appointed **Rep. Nease of Johnson** as Chair on the part of the House.

**Oath Administered to Canvassing Committee**

The Clerk administered the oath to the above-named Canvassing Committee as required by the rules of the House.

**Adjournment**

At one o'clock and thirty minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.