

Journal of the House

Thursday, January 20, 2011

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

Devotional Exercises

Devotional exercises were conducted by Rabbi Toby Weisman of the Jewish Learning Center, Montpelier, VT.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 65

By the committee on Appropriations,
An act relating to fiscal year 2011 budget adjustment;
Under the rule, placed on the Calendar for notice.

H. 66

By Reps. Lewis of Derby, Brennan of Colchester, McAllister of Highgate, McCullough of Williston, McNeil of Rutland Town, Savage of Swanton and South of St. Johnsbury,

House bill, entitled
An act relating to the illegal taking of trophy big game animals;
To the committee on Fish, Wildlife & Water Resources.

H. 67

By Reps. Lewis of Derby and South of St. Johnsbury,
House bill, entitled
An act relating to the appraisal of land with recreational trails;
To the committee on Ways and Means.

H. 68

By Reps. Wilson of Manchester and Weston of Burlington,
House bill, entitled

An act relating to prohibiting smoking in motor vehicles when a child is present;

To the committee on Human Services.

H. 69

By Rep. Botzow of Pownal,

House bill, entitled

An act relating to creating a renewable energy property tax study committee;

To the committee on Ways and Means.

H. 70

By Reps. Lewis of Derby, Atkins of Winooski, Fagan of Rutland City, Johnson of Canaan, Larocque of Barnet, Lawrence of Lyndon, McAllister of Highgate, McNeil of Rutland Town, Smith of New Haven, South of St. Johnsbury and Townsend of Randolph,

House bill, entitled

An act relating to the use of unregistered all-terrain vehicles on state and town highways within the confines of a farm or adjacent to a farm;

To the committee on Transportation.

H. 71

By Reps. Marcotte of Coventry, Batchelor of Derby, Botzow of Pownal, Devereux of Mount Holly, Higley of Lowell, Hubert of Milton, Kitzmiller of Montpelier, Kupersmith of South Burlington, Lawrence of Lyndon, Perley of Enosburgh, Strong of Albany, Till of Jericho, Townsend of Randolph, Wilson of Manchester and Young of Albany,

House bill, entitled

An act relating to counseling for students possessing weapons on school property;

To the committee on Education.

H. 72

By Reps. Wilson of Manchester and Waite-Simpson of Essex,

House bill, entitled

An act relating to the repeal of small school funding;

To the committee on Education.

H. 73

By Rep. Sweaney of Windsor,

House bill, entitled

An act relating to establishing a government transparency office to enforce the public records act;

To the committee on Government Operations.

H. 74

By Reps. McCullough of Williston, Martin of Springfield and Pearson of Burlington,

House bill, entitled

An act relating to solid waste management and recycling;

To the committee on Natural Resources and Energy.

H. 75

By Reps. Poirier of Barre City, Komline of Dorset and Scheuermann of Stowe,

House bill, entitled

An act relating to the future of the commission on health care reform;

To the committee on Health Care.

H. 76

By Rep. Shand of Weathersfield,

House bill, entitled

An act relating to the regulation of telecommunications carriers;

To the committee on Commerce and Economic Development.

H. 77

By Reps. Martin of Wolcott and Evans of Essex,

House bill, entitled

An act relating to excluding income earned by people over 65 years of age from the double counting of dividend or interest income over \$10,000.00;

To the committee on Ways and Means.

H. 78

By Reps. Consejo of Sheldon, Atkins of Winooski, Bissonnette of

Winooski, Bohi of Hartford, Branagan of Georgia, Browning of Arlington, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Evans of Essex, Fisher of Lincoln, French of Randolph, Gilbert of Fairfax, Hooper of Montpelier, Howrigan of Fairfield, Jerman of Essex, Keenan of St. Albans City, Lenes of Shelburne, Martin of Wolcott, McAllister of Highgate, Miller of Shaftsbury, Mitchell of Barnard, Moran of Wardsboro, Mrowicki of Putney, Nuovo of Middlebury, Pearce of Richford, Pearson of Burlington, Perley of Enosburgh, Poirier of Barre City, Savage of Swanton, South of St. Johnsbury, Stevens of Waterbury, Stevens of Shoreham, Sweaney of Windsor, Townsend of Randolph, Waite-Simpson of Essex, Wilson of Manchester, Wizowaty of Burlington and Young of Albany,

House bill, entitled

An act relating to wages for laid-off employees;

To the committee on General, Housing and Military Affairs.

H. 79

By Reps. Clarkson of Woodstock, French of Randolph and Haas of Rochester,

House bill, entitled

An act relating to uniform adult guardianship and protective proceedings jurisdiction;

To the committee on Judiciary.

H. 80

By Rep. Davis of Washington,

House bill, entitled

An act relating to a single-payer health care system;

To the committee on Health Care.

H. 81

By Rep. Toll of Danville,

House bill, entitled

An act relating to approval of the adoption and codification of the charters of the town of Danville and the Danville school district;

To the committee on Government Operations.

Senate Bill Referred

S. 1

Senate bill, entitled

An act relating to technical amendments to the judicial restructuring act of 2010;

Was taken up, read the first time and referred to the committee on Judiciary.

Joint Resolution Placed on Calendar

J.R.H. 8

Joint resolution honoring women veterans and requesting that state and federal officials work cooperatively to assure that women veterans receive their due recognition and essential support services

Offered by: Representatives Taylor of Barre City and Grad of Moretown

Whereas, March is Women's History Month, and the Vermont Historical Society, the Vermont Commission on Women, and the Veterans of Foreign Wars are recording the stories of the state's women veterans for preservation by the Vermont Women's History Project, and

Whereas, although women have unofficially and honorably served in combat roles since the American Revolution, it was not until 1901 that the first United States military unit for women, the Army Nurse Corps, was created, and

Whereas, decades later in 1942, Congress enacted the Women's Naval Reserve Act and established the Women's Auxiliary Army Corps and the Women Air Service Pilots, whose surviving veterans in 2010 were each awarded a Congressional Gold Medal honoring their military service, and

Whereas, women now comprise 14 percent of active duty and nearly 17 percent of those serving in the various Reserves and National Guard forces, and

Whereas, the number of women veterans is expected to be nearly two million by 2020 and will constitute more than 10 percent of the veteran population, and

Whereas, there is now an increasing need to improve health care services offered to women veterans and to ensure clinicians are properly trained to provide primary care and gender-specific care to women of all ages, and

Whereas, in light of the rapidly increasing number of women returning from deployments including some with exposure to combat, the United States Department of Veterans Affairs and state and voluntary veterans' organizations work cooperatively to ensure that needed health and other support services are available to these women who have patriotically served our country, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors women veterans and requests that state and federal officials work cooperatively to assure that women veterans receive their due recognition and essential support services, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the director and women veterans coordinator at the Vermont Office of Veterans Affairs, to the United States Veterans Health Administration women veterans program manager in White River Junction, and to the Vermont offices of the Veterans of Foreign Wars and the American Legion's Women's Auxiliary.

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

Joint Resolution Adopted in Concurrence

J.R.S. 10

By Senators Carris and Mullin,

J.R.S. 10. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 21, 2011, it be to meet again no later than Tuesday, January 25, 2011.

Was taken up and adopted in concurrence.

**Rules Suspended; Bill Read Second Time;
Consideration Interrupted by Recess**

H. 65

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to fiscal year 2011 budget adjustment

Was taken up for immediate consideration.

Rep. Heath of Westford spoke for the committee on Appropriations.

Thereupon, the bill was read the second time and pending the question, Shall the bill be read the third time?

Recess

At two o'clock in the afternoon, the Speaker declared a recess until the fall of the gavel.

At two o'clock and forty minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Bill Amended and Third Reading Ordered

H. 65

Consideration resumed on House bill entitled,

An act relating to fiscal year 2011 budget adjustment;

Pending the recurring question, Shall the bill be read the third time? **Reps. Haas of Rochester, Batchelor of Derby, Donaghy of Poultney, Donahue of Northfield, Frank of Underhill, French of Shrewsbury, French of Randolph, Grad of Moretown, Marek of Newfane, Martin of Springfield, McFaun of Barre Town, Mrowicki of Putney, Pugh of South Burlington, Reis of St. Johnsbury, Waite-Simpson of Essex and Wizowaty of Burlington** moved to amend the bill as follows:

First: In Sec. 96, in the catchline, by inserting the words "or treatment" before the words "of delinquent children"

Second: By striking out Sec. 97 in its entirety and inserting in lieu thereof a new Sec. 97 to read:

Sec. 97. 33 V.S.A. § 5801 is amended to read:

§ 5801. WOODSIDE JUVENILE REHABILITATION CENTER

(a) The Woodside juvenile rehabilitation center in the town of Essex shall be operated by the department for children and families ~~solely as a secure detention and treatment facility for juvenile offenders as established by Acts No. 233 of the Acts of 1982 and No. 94 of the Acts of 1983~~ as a residential treatment facility that provides in-patient psychiatric, mental health, and substance abuse services in a secure setting for adolescents who have been adjudicated or charged with a delinquency.

(b) The total capacity of the facility shall not exceed 30 beds.

(c) The purpose or capacity of the Woodside juvenile rehabilitation center shall not be altered except by act of the general assembly following a study recommending any change of use by the agency of human services.

(d) No person who has reached his or her 18th birthday may be placed at Woodside. Notwithstanding any other provision of law, a person under the age of 18 ~~at the time of the offense charged may be detained at the facility if the offense charged is a misdemeanor as defined in 13 V.S.A. § 1, provided the person is adjudicated a youthful offender under section 5505 of this title, and no person over the age of 18 may be detained at the facility. A person under the age of 18 at the time of the offense charged who has not been adjudicated a~~

youthful offender under section 5505 of this title may be detained at the facility at the discretion of the secretary if the offense charged is a misdemeanor as defined in 13 V.S.A. § 1 may be placed at Woodside, provided that he or she meets the admissions criteria for treatment as established by the department for children and families. The commissioner shall ensure that a child placed at Woodside has the same or equivalent due process rights as a child placed at Woodside prior to the enactment of this act.

Which was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Leriche of Hardwick** 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, 129. Nays, 2.

Those who voted in the affirmative are:

Acinapura of Brandon	Dickinson of St. Albans	Koch of Barre Town
Aswad of Burlington	Town	Krebs of South Hero
Atkins of Winooski	Donaghy of Poultney	Kupersmith of South
Bartholomew of Hartland	Donahue of Northfield	Burlington
Batchelor of Derby	Donovan of Burlington	Lanpher of Vergennes
Bissonnette of Winooski	Eckhardt of Chittenden	Larocque of Barnet
Bohi of Hartford	Emmons of Springfield	Larson of Burlington
Botzow of Pownal	Evans of Essex	Lawrence of Lyndon
Bouchard of Colchester	Fagan of Rutland City	Lenes of Shelburne
Branagan of Georgia	Frank of Underhill	Leriche of Hardwick
Brennan of Colchester	French of Shrewsbury	Lewis of Berlin
Browning of Arlington	French of Randolph	Lewis of Derby
Burke of Brattleboro	Gilbert of Fairfax	Lippert of Hinesburg
Buxton of Royalton	Grad of Moretown	Macaig of Williston
Campton of Bennington	Greshin of Warren	Malcolm of Pawlet
Canfield of Fair Haven	Haas of Rochester	Manwaring of Wilmington
Cheney of Norwich	Head of South Burlington	Marcotte of Coventry
Christie of Hartford	Heath of Westford	Marek of Newfane
Clarkson of Woodstock	Hebert of Vernon	Martin of Springfield
Condon of Colchester	Helm of Fair Haven	Martin of Wolcott
Conquest of Newbury	Higley of Lowell	Masland of Thetford
Consejo of Sheldon	Hooper of Montpelier	McAllister of Highgate
Copeland-Hanzas of	Howrigan of Fairfield	McCullough of Williston
Bradford	Hubert of Milton	McFaun of Barre Town
Corcoran of Bennington	Jerman of Essex	McNeil of Rutland Town
Courcelle of Rutland City	Jewett of Ripton	Miller of Shaftsbury
Crawford of Burke	Johnson of South Hero	Mitchell of Barnard
Dakin of Chester	Johnson of Canaan	Mook of Bennington
Davis of Washington	Keenan of St. Albans City	Moran of Wardsboro
Deen of Westminster	Kilmartin of Newport City	Morrissey of Bennington
Devereux of Mount Holly	Kitzmiller of Montpelier	Mrowicki of Putney
	Klein of East Montpelier	Munger of South Burlington

Myers of Essex	Ram of Burlington	Toll of Danville
Nuovo of Middlebury	Reis of St. Johnsbury	Townsend of Randolph
O'Brien of Richmond	Savage of Swanton	Turner of Milton
Olsen of Jamaica	Shand of Weathersfield	Waite-Simpson of Essex
Partridge of Windham	Shaw of Pittsford	Webb of Shelburne
Pearce of Richford	South of St. Johnsbury	Wilson of Manchester
Pearson of Burlington	Spengler of Colchester	Winters of Williamstown
Peaslee of Guildhall	Stevens of Waterbury	Wizowaty of Burlington
Peltz of Woodbury	Stevens of Shoreham	Wright of Burlington
Perley of Enosburgh	Strong of Albany	Yantachka of Charlotte
Potter of Clarendon	Stuart of Brattleboro	Young of Albany
Pugh of South Burlington	Sweaney of Windsor	
Ralston of Middlebury	Till of Jericho	

Those who voted in the negative are:

Burditt of West Rutland	Degree of St. Albans City
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Those members absent with leave of the House and not voting are:

Ancel of Calais	Font-Russell of Rutland City	Scheuermann of Stowe
Andrews of Rutland City	Howard of Cambridge	Sharpe of Bristol
Clark of Vergennes	Komline of Dorset	Smith of New Haven
Edwards of Brattleboro	Lorber of Burlington	Taylor of Barre City
Fisher of Lincoln	Poirier of Barre City	Weston of Burlington

Favorable Report; Third Reading Ordered

H. 1

Rep. Burditt of West Rutland, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to challenges for change outcomes for persons with disabilities

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

Judicial Retention Board Agreed to

The Speaker nominated the following members to the Judicial Retention Board:

Rep. Jewett of Ripton
Rep. Koch of Barre Town
Rep. Martin of Springfield
Rep. French of Shrewsbury

Rep. Leriche of Hardwick moved the election of the candidates as nominated by the Speaker. Which was agreed to.

Adjournment

At three o'clock and five 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.