

# Journal of the House

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Wednesday, February 16, 2011

**Rep. Jewett of Ripton** presiding.

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

## Devotional Exercises

Devotional exercises were conducted by Linda Radke of Counterpoint.

## 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. 257

By Reps. Gilbert of Fairfax and Martin of Wolcott,

House bill, entitled

An act relating to creating a uniform date by which various election petitions must be filed;

To the committee on Government Operations.

### H. 258

By Reps. Klein of East Montpelier and Deen of Westminster,

House bill, entitled

An act relating to public participation in environmental enforcement proceedings;

To the committee on Natural Resources and Energy.

### H. 259

By Reps. Head of South Burlington, Bouchard of Colchester, Hubert of Milton, Moran of Wardsboro, Ram of Burlington, Savage of Swanton, Smith of New Haven, Stevens of Waterbury and Sweaney of Windsor,

House bill, entitled

An act relating to increasing the number of members on the liquor control board;

To the committee on General, Housing and Military Affairs.

**H. 260**

By Reps. Stevens of Waterbury and Lanpher of Vergennes,  
House bill, entitled

An act relating to flavored malt beverages;

To the committee on General, Housing and Military Affairs.

**H. 261**

By Reps. Devereux of Mount Holly, Atkins of Winooski, Branagan of Georgia, Evans of Essex, French of Shrewsbury, Marcotte of Coventry, Martin of Wolcott, Myers of Essex, Perley of Enosburgh, Potter of Clarendon, Reis of St. Johnsbury, Shaw of Pittsford, Stevens of Shoreham, Townsend of Randolph and Winters of Williamstown,

House bill, entitled

An act relating to allowing towns to replace elected listers with appointed appraisers;

To the committee on Government Operations.

**H. 262**

By Reps. Condon of Colchester, Batchelor of Derby, Bouchard of Colchester, Browning of Arlington, Canfield of Fair Haven, Clark of Vergennes, Fagan of Rutland City, Hubert of Milton, Moran of Wardsboro, Myers of Essex, Stevens of Shoreham, Waite-Simpson of Essex and Wilson of Manchester,

House bill, entitled

An act relating to prohibiting the use of robotic telephone calls that support or oppose a candidate for elected office;

To the committee on Government Operations.

**H. 263**

By Rep. Martin of Wolcott,

House bill, entitled

An act relating to a municipality warning a meeting;

To the committee on Government Operations.

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**Joint Resolution Adopted in Concurrence****J.R.S. 19**

By Senators Carris and Mullin,

**J.R.S. 19.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, February 18, 2011, it be to meet again no later than Tuesday, February 22, 2011.

Was taken up read and adopted in concurrence.

**Third Reading; Bill Passed****H. 88**

House bill, entitled

An act relating to uniform child custody jurisdiction and enforcement

Was taken up, read the third time and passed.

**Third Reading; Resolution Passed in Concurrence  
with Proposal of Amendment****J.R.S. 16**

Joint resolution, entitled

Joint resolution requesting that penalties under the No Child Left Behind Act be suspended until the Elementary and Secondary Education Act is reauthorized in a revised form

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Bill Amended; Third Reading Ordered****H. 45**

**Rep. Crawford of Burke**, for the committee on Education, to which had been referred House bill, entitled

An act relating to the Winhall school district's budget

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

Sec. 1. 32 V.S.A. § 5401(12) is amended to read:

(12) "Excess spending" means:

(A) the per equalized pupil amount of:

(i) the district's education spending as defined in 16 V.S.A. § 4001(6), plus any amount required to be added from a capital construction reserve fund under 24 V.S.A. § 2804(b); minus

\* \* \*

(iv) a budget deficit in a district that pays tuition to a public school or an approved independent school, or both for all of its students in one or more grades in any year in which the deficit is solely attributable to tuition paid for one or more new students who moved into the district after the budget for the year creating the deficit was passed;

(B) in excess of 125 percent of the statewide average district education spending per equalized pupil in the prior fiscal year, as determined by the commissioner of education on or before November 15 of each year based on the passed budgets to date.

#### Sec. 2. EFFECTIVE DATE; SUNSET

This act shall take effect on passage and shall apply to tax rates calculated for fiscal year 2012 school budgets and after.

and that after passage the title of the bill be amended to read: "An act relating to excluding tuition deficits from the definition of excess spending"

**Rep. Greshin of Warren**, for the committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the committee on Education.

**Rep. Pearce of Richford**, 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, read the second time, report of the committees on Education, Ways and Means and Appropriations agreed to and third reading ordered.

#### **Message from the Senate No. 17**

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 passed Senate bill of the following title:

**S. 49.** An act relating to commercial motor vehicle operation on the interstate system.

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

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**Bill Amended; Third Reading Ordered****H. 52**

**Rep. Conquest of Newbury**, for the committee on Agriculture, to which had been referred House bill, entitled

An act relating to the definition of poultry products

Reported in favor of its passage when amended as follows:

By adding a new Sec. 2 to read as follows:

Sec. 2. 6 V.S.A. § 3305(15) is amended to read:

(15) establish by rule the method for providing voluntary inspection, and withdrawal of inspection, of exotic animals, wild game, game birds, red deer, and cervidae. These rules may also provide for the inspection of meat and meat food products derived from those animals. The secretary shall provide voluntary inspection of bison and cervidae produced in Vermont, including the inspection of meat and meat food products processed in Vermont derived from bison and cervidae, wherever produced. For such inspection the secretary shall charge a fee equal to the rate for reimbursable inspection services provided under the Vermont meat and poultry inspection program;

and by renumbering the subsequent section numbers of the bill to be numerically correct

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

**Bill Amended; Third Reading Ordered****H. 114**

**Rep. Stevens of Waterbury**, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to electrical installations

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

Sec. 1. 26 V.S.A. § 894 is amended to read:

§ 894. ENERGIZING INSTALLATIONS; REENERGIZING AFTER EMERGENCY DISCONNECTION

(a) A new electrical installation in or on a complex structure; or an electrical installation used for the testing or construction of a complex structure shall not be connected or caused to be connected, to a source of electrical

energy unless prior to ~~such~~ connection, either a temporary or a permanent energizing permit is issued for that installation by the commissioner or an electrical inspector.

(b) An existing electrical installation in any structure, including a single-family owner-occupied freestanding residence, that was disconnected as the result of an emergency that affects the internal electrical circuits, shall not be reconnected to a source of electrical energy until the electrical installation has been inspected and determined to be safe by a licensed journeyman or licensed master electrician.

(c) This section shall not be construed to limit or interfere with a contractor's right to receive payment for electrical work for which a certificate of completion has been granted.

Sec. 2. 26 V.S.A. § 904(a) is amended to read:

(a) To be eligible for licensure as a type-S journeyman an applicant shall:

(1) complete an accredited training and experience program recognized by the board; or

(2) have had training and experience, within or without this state, acceptable to the board; and

(3) pass an examination to the satisfaction of the board in one or more of the following fields:

(A) Automatic gas or oil heating;

(B) Outdoor advertising;

(C) Refrigeration or air conditioning;

(D) Appliance and motor repairs;

(E) Well pumps;

(F) Farm equipment;

(G) Renewable energy systems for one- and two-family dwellings;

(H) Any miscellaneous specified area of specialized competence.

Sec. 3. 26 V.S.A. § 910 is amended to read:

§ 910. LICENSE NOT REQUIRED

A license shall not be required for the following types of work:

(1) Any electrical work, including construction, installation, operation, maintenance, and repair of electrical installations in, on or about equipment or premises, which are owned or leased by the operator of any industrial or

manufacturing plant, if the work is done under the supervision of an electrical engineer or master electrician in the employ of the operator;

(2) Installation in laboratories of exposed electrical wiring for experimental purposes only;

(3) Any electrical work by ~~an~~ the owner ~~or his or her regular employees~~ in the ~~owner's~~ owner-occupied freestanding single unit residence, ~~in~~ and outbuildings accessory to ~~such~~ the freestanding single unit residence or any structure on owner-occupied farms;

(4) Electrical installations performed as a part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building in which the installation is made, is to be used as a "complex structure";

(5) Electrical work performed by an electrician's helper under the direct supervision of a person who holds an appropriate license issued under this chapter;

~~(6) Any electrical work in a building used for dwelling or residential purposes which contains no more than two dwelling units.~~

~~(7) Installation of solar electric modules and racking on complex structures to the point of connection to field-fabricated wiring and erection of net metered wind turbines.~~

#### Sec. 4. EFFECTIVE DATE; TRANSITIONAL PROVISIONS

(a) This act shall take effect on passage.

(b) In order to provide time for the electrical licensing board to develop and conduct a test for a type-S journeyman's license for renewable energy installation and for renewable energy installers to complete the licensing requirements, a license shall not be required for renewable energy installations until 12 months after the electrical licensing board adopts the test and licensing procedure.

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

#### **Action on Bill Postponed**

#### **H. 153**

House bill, entitled

An act relating to human trafficking

Was taken up and pending the reading of the report of the committee on Judiciary, on motion of **Rep. Grad of Moretown**, action on the bill was postponed until the next legislative day.

#### **Adjournment**

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