

Journal of the House

Friday, February 18, 2011

Rep. Jewett of Ripton presiding.

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

Devotional Exercises

Devotional exercises were conducted by Rev. Kevin Goldenbogen of the United Church of Underhill and Rep. Kevin Christie of Hartford.

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. 278

By Reps. Stevens of Waterbury, Bohi of Hartford, Howrigan of Fairfield, Kitzmiller of Montpelier, McCullough of Williston, Munger of South Burlington, Savage of Swanton, South of St. Johnsbury, Townsend of Randolph and Yantachka of Charlotte,

House bill, entitled

An act relating to establishing the department of controlled substances;

To the committee on Government Operations.

H. 279

By Rep. Browning of Arlington,

House bill, entitled

An act relating to separate plumbing facilities;

To the committee on General, Housing and Military Affairs.

H. 280

By Reps. Savage of Swanton and McNeil of Rutland Town,

House bill, entitled

An act relating to furnishing tobacco to persons under 18;

To the committee on Human Services.

H. 281

By Reps. Savage of Swanton, McNeil of Rutland Town and Shaw of Pittsford,

House bill, entitled

An act relating to pharmacy security;

To the committee on Government Operations.

H. 282

By Rep. Savage of Swanton,

House bill, entitled

An act relating to allowing a state employee, teacher, or municipal employee one opportunity to change the beneficiary indicated on his or her survivorship option;

To the committee on Government Operations.

H. 283

By Rep. Wright of Burlington,

House bill, entitled

An act relating to establishing a program for the collection and recycling of paint;

To the committee on Natural Resources and Energy.

H. 284

By Rep. Kitzmiller of Montpelier,

House bill, entitled

An act relating to the historic preservation of and curatorial requirements for the Vermont state house;

To the committee on Corrections and Institutions.

H. 285

By Reps. Donaghy of Poultney, Brennan of Colchester, Canfield of Fair Haven, Lewis of Derby, McNeil of Rutland Town, Reis of St. Johnsbury, Shaw of Pittsford and Wright of Burlington,

House bill, entitled

An act relating to using force in defense of a dwelling place;
To the committee on Judiciary.

H. 286

By Rep. Stevens of Waterbury,
House bill, entitled

An act relating to property tax exemptions for newly constructed homes;
To the committee on Ways and Means.

H. 287

By Reps. Botzow of Pownal, Marcotte of Coventry, Dickinson of St. Albans Town, Kitzmiller of Montpelier, Kupersmith of South Burlington, Ralston of Middlebury, Shand of Weathersfield and Young of Albany,

House bill, entitled

An act relating to job creation and economic development;
To the committee on Commerce and Economic Development.

H. 288

By Reps. Condon of Colchester, McAllister of Highgate and Wright of Burlington,

House bill, entitled

An act relating to providing state teachers with an early retirement or severance bonus;

To the committee on Government Operations.

H. 289

By Reps. Ram of Burlington and Webb of Shelburne,

House bill, entitled

An act relating to perchloroethylene emissions from dry-cleaning systems;
To the committee on Natural Resources and Energy.

H. 290

By Reps. Haas of Rochester, Batchelor of Derby, Davis of Washington, Donahue of Northfield, Fisher of Lincoln, Frank of Underhill, French of Randolph, Lippert of Hinesburg, McFaun of Barre Town, Mrowicki of Putney, Pearson of Burlington, Pugh of South Burlington, Trieber of Rockingham,

Wizowaty of Burlington and Woodward of Johnson,

House bill, entitled

An act relating to adult protective services;

To the committee on Human Services.

Senate Bill Referred

S. 12

Senate bill, entitled

An act relating to adding a member from the area agencies on aging to the governor's commission on Alzheimer's disease and related disorders

Was read and referred to the committee on Human Services.

Bill Referred to Committee on Ways and Means

H. 275

House bill, entitled

An act relating to the recently deployed veteran tax credit

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

Bill Amended, Read Third Time and Passed

H. 114

House bill, entitled

An act relating to electrical installations

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

In Sec. 3, 26 V.S.A. § 910(3), after the first occurrence of "owner," by inserting "and any unpaid assistants"

Which was agreed to.

Pending the question, Shall the bill pass? **Rep. Donahue of Northfield** moved to recommit the bill to General, Housing and Military Affairs.

Pending the question, Shall the bill be recommitted to the Committee on General, Housing and Military Affairs? **Rep. Donahue of Northfield** 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 recommitted to the Committee on General, Housing and Military Affairs? was decided in the negative. Yeas, 31. Nays, 101.

Those who voted in the affirmative are:

Acinapura of Brandon	Hebert of Vernon	Morrissey of Bennington
Batchelor of Derby	Helm of Fair Haven	Olsen of Jamaica
Branagan of Georgia	Higley of Lowell	Pearce of Richford
Burditt of West Rutland	Howard of Cambridge	Peaslee of Guildhall
Degree of St. Albans City	Hubert of Milton	Perley of Enosburgh
Dickinson of St. Albans Town	Kilmartin of Newport City	Reis of St. Johnsbury
Donaghy of Poultney	Komline of Dorset	Scheuermann of Stowe
Donahue of Northfield *	Krebs of South Hero	Strong of Albany
Fagan of Rutland City	Lawrence of Lyndon	Turner of Milton *
Greshin of Warren	Lewis of Derby	Winters of Williamstown
	McAllister of Highgate	

Those who voted in the negative are:

Ancel of Calais	Edwards of Brattleboro	Marek of Newfane *
Andrews of Rutland City	Ellis of Waterbury	Martin of Springfield
Aswad of Burlington	Emmons of Springfield	Masland of Thetford
Atkins of Winooski	Evans of Essex	McCullough of Williston
Bartholomew of Hartland	Fisher of Lincoln	Miller of Shaftsbury
Bissonnette of Winooski	Frank of Underhill	Mitchell of Barnard
Bohi of Hartford	French of Shrewsbury	Mrowicki of Putney
Botzow of Pownal	French of Randolph	Munger of South Burlington
Bouchard of Colchester	Grad of Moretown	Nuovo of Middlebury
Brennan of Colchester	Haas of Rochester	O'Brien of Richmond
Browning of Arlington	Head of South Burlington	Partridge of Windham
Burke of Brattleboro	Heath of Westford	Pearson of Burlington
Buxton of Royalton	Hooper of Montpelier	Peltz of Woodbury
Campton of Bennington	Jerman of Essex	Potter of Clarendon
Canfield of Fair Haven	Johnson of South Hero	Pugh of South Burlington
Cheney of Norwich	Keenan of St. Albans City	Ralston of Middlebury
Christie of Hartford	Kitzmiller of Montpelier	Ram of Burlington
Clarkson of Woodstock	Klein of East Montpelier	Savage of Swanton
Condon of Colchester	Koch of Barre Town	Shand of Weathersfield
Conquest of Newbury	Kupersmith of South Burlington	Sharpe of Bristol
Consejo of Sheldon	Lanpher of Vergennes	Shaw of Pittsford
Copeland-Hanzas of Bradford	Larocque of Barnet	Smith of New Haven
Corcoran of Bennington	Larson of Burlington	South of St. Johnsbury
Courcelle of Rutland City	Lenes of Shelburne	Spengler of Colchester
Crawford of Burke	Lippert of Hinesburg	Stevens of Waterbury
Dakin of Chester	Lorber of Burlington	Stuart of Brattleboro
Davis of Washington	Macaig of Williston	Sweaney of Windsor
Deen of Westminster	Malcolm of Pawlet	Taylor of Barre City
Devereux of Mount Holly	Manwaring of Wilmington	Till of Jericho
Donovan of Burlington	Marcotte of Coventry	Toll of Danville
		Townsend of Randolph *

Trieber of Rockingham	Wilson of Manchester	Yantachka of Charlotte
Waite-Simpson of Essex	Wizowaty of Burlington	Young of Albany
Webb of Shelburne	Woodward of Johnson	
Weston of Burlington	Wright of Burlington	

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

Clark of Vergennes	Leriche of Hardwick	Moran of Wardsboro
Eckhardt of Chittenden	Lewis of Berlin	Myers of Essex
Font-Russell of Rutland City	Martin of Wolcott	Poirier of Barre City
Gilbert of Fairfax	McFaun of Barre Town	Smith of Morristown
Howrigan of Fairfield	McNeil of Rutland Town	Stevens of Shoreham
Johnson of Canaan	Mook of Bennington	

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

When a committee proposes a bill without even having read the full statute it is amending, or knowing the definitions within it, we have sunk to a new low in our process of enacting law. I would have liked to discuss this with the committee in advance. However, the information I requested Wednesday was only sent to me, by email, at 8:15 a.m. this morning. Thus, only at 8:25 a.m. did I learn that the committee never had the core information for decision-making before today.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

A recommital without any opportunity to even respond to issues which have been raised does not serve to advance orderly business of this chamber, it merely delays it..”

Rep. Townsend of Randolph explained his vote as follows:

“Mr. Speaker:

One of the first rules I learned upon arrival in the Vermont House of Representatives is to have faith in the committee process. This is a classic example how the process was designed to work. I voted no.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

I vote “yes” in order to give the committee an opportunity to continue their good work in making a good bill better while addressing the members concerns raised today.”

Thereupon, the bill was passed.

Third Reading; Bills Passed

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

H. 153

House bill, entitled

An act relating to human trafficking;

H. 236

House bill, entitled

An act relating to limitation of prosecutions for sexual abuse of a vulnerable adult.

Adjournment

At eleven o'clock and five minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 22, 2011, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 18.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 55

House concurrent resolution commemorating the birth of Maxten Smith at the Whiting Elementary School;

H.C.R. 56

House concurrent resolution honoring the 2010 Harwood Union High School Division II girls' cross-country championship team;

H.C.R. 57

House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship girls' golf team;

H.C.R. 58

House concurrent resolution congratulating the 2010 Harwood Union High School Division II championship girls' soccer team;

H.C.R. 59

House concurrent resolution congratulating the 2010 Harwood Union High School Highlanders Division II championship field hockey team;

H.C.R. 60

House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship boys' track and field team;

H.C.R. 61

House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship boys' lacrosse team;

H.C.R. 62

House concurrent resolution congratulating Southwestern Vermont Medical Center on earning its third consecutive designation as a Magnet Hospital for Nursing Excellence ;

H.C.R. 63

House concurrent resolution honoring Ken Barrett as a most distinguished citizen of the town of Chester;

H.C.R. 64

House concurrent resolution congratulating Milton town clerk John Cushing on his receipt of a 2010 National Association of Secretaries of State Medallion Award;

H.C.R. 65

House concurrent resolution honoring Frederick Henry Webster of Coventry as a truly venerable Vermonter;

H.C.R. 66

House concurrent resolution congratulating Currier's Market in Glover and its owner, James Currier, on being named the 2010 Vermont Grocers' Association Retailer of the Year;

H.C.R. 67

House concurrent resolution congratulating Elizabeth Josephine Surdam Hoag Bushee on her 100th birthday;

H.C.R. 68

House concurrent resolution commemorating the semiquincentennial anniversary of the incorporation of the town of Shoreham;

H.C.R. 69

House concurrent resolution congratulating the town of Poultney on its 250th anniversary;

S.C.R. 5

Senate concurrent resolution designating March 31, 2011 as Congenital Diaphragmatic Hernia Awareness Day;

S.C.R. 6

Senate concurrent resolution recognizing Gerald Myers for his outstanding accomplishments in the United States military and in local and state government;

S.C.R. 7

Senate concurrent resolution congratulating the Waitsfield-Fayston Volunteer Fire Department on its centennial anniversary;

S.C.R. 8

Senate concurrent resolution commemorating the 20th anniversary of the enactment of the federal Americans with Disabilities Act and the Vermont Center for Independent Living's celebration of this landmark legislation;

S.C.R. 9

Senate concurrent resolution congratulating Onion River Community Access Media on its silver anniversary;

S.C.R. 10

Senate concurrent resolution congratulating Capitol Stationers of Montpelier on its 60th anniversary;

S.C.R. 11

Senate concurrent resolution honoring the visionary leadership of Tracy Gallo during her state government service;

S.C.R. 12

Senate concurrent resolution congratulating the Central Vermont Tennis Association on its 40th anniversary;

S.C.R. 13

Senate concurrent resolution congratulating the Riverside Grange on its centennial anniversary;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2011, seventy-first Biennial session.]