

# Journal of the House

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**Tuesday, February 22, 2011**

At ten o'clock in the forenoon the Speaker called the House to order.

## **Devotional Exercises**

Devotional exercises were conducted by Rev. Mark Pitton of Bethany Church, Montpelier, VT.

## **Pledge of Allegiance**

**Page Tanmatra Bhanti of Brattleboro** led the House in the Pledge of Allegiance.

## **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. 291**

By Reps. Wright of Burlington, Aswad of Burlington, Atkins of Winooski, Batchelor of Derby, Bissonnette of Winooski, Bouchard of Colchester, Brennan of Colchester, Cheney of Norwich, Condon of Colchester, Crawford of Burke, Degree of St. Albans City, Dickinson of St. Albans Town, Donaghy of Poultney, Evans of Essex, Fagan of Rutland City, Greshin of Warren, Hebert of Vernon, Howrigan of Fairfield, Hubert of Milton, Jerman of Essex, Keenan of St. Albans City, Krebs of South Hero, McNeil of Rutland Town, Mitchell of Barnard, Morrissey of Bennington, Myers of Essex, Peltz of Woodbury, Poirier of Barre City, Savage of Swanton, Stevens of Shoreham, Townsend of Randolph, Waite-Simpson of Essex and Webb of Shelburne,

House bill, entitled

An act relating to raising the penalties for attempting to elude a police officer;

To the committee on Judiciary.

### **H. 292**

By Reps. Consejo of Sheldon, Atkins of Winooski, Branagan of Georgia, Christie of Hartford, Evans of Essex, Gilbert of Fairfax, Hubert of Milton,

Koch of Barre Town, South of St. Johnsbury, Taylor of Barre City and Townsend of Randolph,

House bill, entitled

An act relating to fraudulent misconduct by an agent;

To the committee on Judiciary.

### **H. 293**

By Reps. Sweaney of Windsor, Morrissey of Bennington, Andrews of Rutland City, Batchelor of Derby, Bissonnette of Winooski, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Burke of Brattleboro, Campton of Bennington, Canfield of Fair Haven, Cheney of Norwich, Clark of Vergennes, Consejo of Sheldon, Corcoran of Bennington, Crawford of Burke, Dakin of Chester, Degree of St. Albans City, Devereux of Mount Holly, Eckhardt of Chittenden, Evans of Essex, Fagan of Rutland City, French of Randolph, Greshin of Warren, Haas of Rochester, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Howard of Cambridge, Howrigan of Fairfield, Hubert of Milton, Komline of Dorset, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin, Lewis of Derby, Macaig of Williston, Marcotte of Coventry, Martin of Wolcott, McAllister of Highgate, McFaun of Barre Town, McNeil of Rutland Town, Mook of Bennington, Moran of Wardsboro, Myers of Essex, Nuovo of Middlebury, Peaslee of Guildhall, Perley of Enosburgh, Poirier of Barre City, Ralston of Middlebury, Ram of Burlington, Reis of St. Johnsbury, Savage of Swanton, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, Smith of New Haven, Spengler of Colchester, Stevens of Shoreham, Strong of Albany, Taylor of Barre City, Till of Jericho, Townsend of Randolph, Webb of Shelburne, Winters of Williamstown and Wright of Burlington,

House bill, entitled

An act relating to hospital and home health assessments;

To the committee on Health Care.

### **H. 294**

By Reps. Hooper of Montpelier and Kitzmiller of Montpelier,

House bill, entitled

An act relating to approving amendments to the charter of the city of Montpelier;

To the committee on Government Operations.

**H. 295**

By Reps. Smith of New Haven, Branagan of Georgia, Clark of Vergennes, Lawrence of Lyndon, Lewis of Berlin, Savage of Swanton and Shaw of Pittsford,

House bill, entitled

An act relating to creating public elementary school choice regions;

To the committee on Education.

**H. 296**

By Reps. Clark of Vergennes, Batchelor of Derby, Bouchard of Colchester, Canfield of Fair Haven, Donaghy of Poultney, Fagan of Rutland City, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Larocque of Barnet, Marcotte of Coventry, McNeil of Rutland Town, Savage of Swanton, Shaw of Pittsford, Smith of New Haven and Winters of Williamstown,

House bill, entitled

An act relating to expanding school choice and authorizing the creation of charter schools;

To the committee on Education.

**H. 297**

By Reps. Edwards of Brattleboro and Webb of Shelburne,

House bill, entitled

An act relating to green automobile insurance;

To the committee on Transportation.

**H. 298**

By Reps. Hubert of Milton, Mook of Bennington, Atkins of Winooski, Bissonnette of Winooski, Buxton of Royalton, Christie of Hartford, Condon of Colchester, Consejo of Sheldon, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Higley of Lowell, Jerman of Essex, Keenan of St. Albans City, Lewis of Derby, McAllister of Highgate, McNeil of Rutland Town, Myers of Essex, Savage of Swanton, Shaw of Pittsford, Stevens of Shoreham, Sweaney of Windsor and Townsend of Randolph,

House bill, entitled

An act relating to standardized ballots and vote tabulators;

To the committee on Government Operations.

**H. 299**

By the committee on Education,

An act relating to repealing the provision that some school district budgets be presented to the voters by means of a divided question;

Under the rule, placed on the Calendar for notice.

**H. 300**

By Reps. Wright of Burlington, Condon of Colchester, Degree of St. Albans City, Komline of Dorset and McAllister of Highgate,

House bill, entitled

An act relating to the requirement of mandatory binding arbitration and the elimination of strikes and imposed contracts in connection with the collective bargaining for teachers' and school administrators' contracts;

To the committee on Education.

**H. 301**

By Reps. Marcotte of Coventry, Kilmartin of Newport City, Batchelor of Derby, Botzow of Pownal, Branagan of Georgia, Devereux of Mount Holly, Dickinson of St. Albans Town, Donovan of Burlington, Higley of Lowell, Hubert of Milton, Kitzmiller of Montpelier, Koch of Barre Town, Kupersmith of South Burlington, Lewis of Derby, Myers of Essex, Ralston of Middlebury, Reis of St. Johnsbury, Shand of Weathersfield, Sharpe of Bristol, Wilson of Manchester and Young of Albany,

House bill, entitled

An act relating to required wage payments;

To the committee on General, Housing and Military Affairs.

**H. 302**

By Reps. Botzow of Pownal, Atkins of Winooski, Consejo of Sheldon, Devereux of Mount Holly, Dickinson of St. Albans Town, Evans of Essex, Higley of Lowell, Hubert of Milton, Kitzmiller of Montpelier, Kupersmith of South Burlington, Marcotte of Coventry, Martin of Wolcott, Ralston of Middlebury, Shand of Weathersfield, Sweaney of Windsor, Townsend of Randolph and Young of Albany,

House bill, entitled

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An act relating to assigning responsibilities regarding information security to the department of information and innovation;

To the committee on Education.

**H. 303**

By Reps. Klein of East Montpelier, Ancel of Calais, Christie of Hartford and Webb of Shelburne,

House bill, entitled

An act relating to pet merchants;

To the committee on Agriculture.

**H. 304**

By Reps. Lorber of Burlington and Davis of Washington,

House bill, entitled

An act relating to gender-neutral restrooms in state-owned buildings;

To the committee on Corrections and Institutions.

**H. 305**

By Reps. Lorber of Burlington, Branagan of Georgia, Haas of Rochester and Wizowaty of Burlington,

House bill, entitled

An act relating to the impact of sentencing on minor children;

To the committee on Judiciary.

**H. 306**

By Reps. Yantachka of Charlotte, Bohi of Hartford, Canfield of Fair Haven, Christie of Hartford, Hebert of Vernon, Lenos of Shelburne, Martin of Wolcott, Masland of Thetford and Webb of Shelburne,

House bill, entitled

An act relating to the duties of secondhand jewelry and coin dealers;

To the committee on Commerce and Economic Development.

**H. 307**

By Reps. Lorber of Burlington, Burke of Brattleboro, Davis of Washington and Lanpher of Vergennes,

House bill, entitled

An act relating to requiring a report on bicycle racks on the grounds of state buildings;

To the committee on Corrections and Institutions.

**Joint Resolution Placed on Calendar**

**J.R.H. 11**

Joint resolution urging Congress to approve a streamlined sales tax agreement that will authorize the national collection of sales tax from online sales

Offered by: Representatives Condon of Colchester, Wilson of Manchester, Weston of Burlington, Stevens of Shoreham, Sharpe of Bristol, Olsen of Jamaica, Masland of Thetford, Hubert of Milton, Greshin of Warren, Clarkson of Woodstock, Branagan of Georgia and Ancel of Calais

Whereas, in the 21st century, an increasingly large percentage of retail sales are conducted online, and

Whereas, a large percentage of online sales involving Vermont purchasers are with companies that lack any regular nexus with Vermont and consequently do not collect the Vermont sales tax, and

Whereas, although Vermonters are legally required to pay the sales tax resulting from online purchases, this requirement is effectively unenforceable, and

Whereas, because of these online sales, Vermont retailers are losing a significant number of sales and the state of Vermont is deprived of much-needed sales tax revenue, and

Whereas, in 2004, the general assembly enacted No. 152 of the 2003 Adj. Sess. (2004) approving Vermont's entry into the national streamlined sales tax agreement, and

Whereas, while certain provisions of the agreement came into force once the requisite number of states approved the agreement, the initiation of a national sales tax collection system is a matter of interstate commerce, which only Congress can authorize, and

Whereas, the inability of states to recoup the sales tax on their residents' online purchases is a problem seriously affecting the fiscal health of many other states and not just Vermont, and

Whereas, the sooner Congress authorizes a national sales tax collection system, the more quickly the states can begin to receive sales tax revenue that is being unfairly denied, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to enact a law consistent with the streamlined sales tax agreement that will authorize the national collection of sales tax from online sales, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation.

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

**Adjournment**

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