

Journal of the House

Wednesday, February 23, 2011

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

Devotional Exercises

Devotional Mark McEarthren of the Old Brick Church, East Montpelier, VT. exercises were conducted by Rev.

Message from the Senate No. 19

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 Senate concurrent resolution of the following title:

S.C.R. 13. Senate concurrent resolution congratulating the Riverside Grange on its centennial anniversary.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

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.

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. 308

By Rep. Frank of Underhill,

House bill, entitled

An act relating to insurance coverage for phenylketonuria;

To the committee on Health Care.

H. 309

By Reps. Cheney of Norwich and Masland of Thetford,

House bill, entitled

An act relating to notice required when a piece of homestead property is transferred or when property ceases to be homestead property;

To the committee on Ways and Means.

H. 310

By Reps. Mrowicki of Putney, Burke of Brattleboro, Clarkson of Woodstock, Conquest of Newbury, Marek of Newfane, Partridge of Windham and Sharpe of Bristol,

House bill, entitled

An act relating to theft of an historic stone wall;

To the committee on Judiciary.

H. 311

By Rep. Weston of Burlington,

House bill, entitled

An act relating to requiring foreign language instruction in elementary and middle school;

To the committee on Education.

H. 312

By Rep. Hooper of Montpelier,

House bill, entitled

An act relating to offender reintegration and recidivism;

To the committee on Corrections and Institutions.

H. 313

By Reps. Donovan of Burlington, Aswad of Burlington, Buxton of Royalton, Davis of Washington, Lenes of Shelburne, Macaig of Williston, Mitchell of Barnard, Peltz of Woodbury and Shand of Weathersfield,

House bill, entitled

An act relating to patient safety;

To the committee on Health Care.

H. 314

By Reps. Olsen of Jamaica, Degree of St. Albans City, Devereux of Mount Holly, Fagan of Rutland City, Howard of Cambridge, Komline of Dorset,

Pearson of Burlington, Scheuermann of Stowe, Wilson of Manchester and Wright of Burlington,

House bill, entitled

An act relating to optional cash payment of property tax adjustment amounts;

To the committee on Ways and Means.

H. 315

By Reps. Donovan of Burlington and Macaig of Williston,

House bill, entitled

An act relating to eliminating the education property tax exemption for ski areas;

To the committee on Ways and Means.

H. 316

By Rep. Yantachka of Charlotte,

House bill, entitled

An act relating to extending the deadline for filing a homestead declaration and income sensitivity adjustment for taxpayers who have received an extension of time to file their income tax returns;

To the committee on Ways and Means.

H. 317

By Reps. Stevens of Shoreham, Moran of Wardsboro, Perley of Enosburgh, Taylor of Barre City, Till of Jericho and Wilson of Manchester,

House bill, entitled

An act relating to establishing a randomized alphabet for listing candidate names on ballots;

To the committee on Government Operations.

H. 318

By Reps. Peaslee of Guildhall, Bohi of Hartford, Browning of Arlington, Burditt of West Rutland, Courcelle of Rutland City, Crawford of Burke, Donaghy of Poultney, Eckhardt of Chittenden, French of Shrewsbury, Greshin of Warren, Howrigan of Fairfield, Kilmartin of Newport City, Larocque of Barnet, Lawrence of Lyndon, Lewis of Derby, Malcolm of Pawlet, Marcotte of

Coventry, McNeil of Rutland Town, Potter of Clarendon, Reis of St. Johnsbury and Young of Albany,

House bill, entitled

An act relating to construction or alteration of structures and air navigation;

To the committee on Natural Resources and Energy.

H. 319

By Rep. Browning of Arlington,

House bill, entitled

An act relating to establishing a broadband regional service fee;

To the committee on Commerce and Economic Development.

H. 320

By Reps. Christie of Hartford, Bohi of Hartford, Consejo of Sheldon, Mitchell of Barnard, Spengler of Colchester and Yantachka of Charlotte,

House bill, entitled

An act relating to local option tax for infrastructure;

To the committee on Ways and Means.

Consideration Interrupted by Recess

H. 275

Rep. Leriche of Hardwick, moved that the rules be suspended and House bill, entitled

An act relating to the recently deployed veteran tax credit

Appearing on the Calendar for notice, be taken up for immediate consideration.

Recess

At one o'clock and thirty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At one o'clock and fifty-five minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Rules Not Suspended to Take up for Immediate Consideration

H. 275

Consideration resumed on House bill, entitled

An act relating to the recently deployed veteran tax credit;

Pending the question, Shall the House suspend rules and take up bill H.275 for immediate consideration? **Rep. Turner of Milton** 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 House suspend rules and take up bill H.275 for immediate consideration? was decided in the negative. Yeas, 93. Nays, 45. A three-quarters vote of 104 required.

Those who voted in the affirmative are:

| | | |
|------------------------------|---------------------------|----------------------------|
| Ancel of Calais | French of Randolph | Mook of Bennington |
| Andrews of Rutland City | Gilbert of Fairfax | Mrowicki of Putney |
| Aswad of Burlington | Greshin of Warren | Munger of South Burlington |
| Bartholomew of Hartland | Haas of Rochester | Nuovo of Middlebury |
| Bissonnette of Winooski | Head of South Burlington | O'Brien of Richmond |
| Bohi of Hartford | Heath of Westford | Partridge of Windham |
| Botzow of Pownal | Hooper of Montpelier | Pearson of Burlington |
| Burke of Brattleboro | Howrigan of Fairfield | Peltz of Woodbury |
| Buxton of Royalton | Jerman of Essex | Poirier of Barre City |
| Campton of Bennington | Jewett of Ripton | Potter of Clarendon |
| Cheney of Norwich | Johnson of South Hero | Pugh of South Burlington |
| Christie of Hartford | Keenan of St. Albans City | Ralston of Middlebury |
| Clarkson of Woodstock | Kitzmiller of Montpelier | Ram of Burlington |
| Condon of Colchester | Klein of East Montpelier | Shand of Weathersfield |
| Conquest of Newbury | Krebs of South Hero | Sharpe of Bristol |
| Consejo of Sheldon | Kupersmith of South | South of St. Johnsbury |
| Copeland-Hanzas of | Burlington | Spengler of Colchester |
| Bradford | Lanpher of Vergennes | Stevens of Waterbury |
| Corcoran of Bennington | Larson of Burlington | Stuart of Brattleboro |
| Courcelle of Rutland City | Lenes of Shelburne | Sweaney of Windsor |
| Dakin of Chester | Leriche of Hardwick | Taylor of Barre City |
| Davis of Washington | Lippert of Hinesburg | Till of Jericho |
| Deen of Westminster | Lorber of Burlington | Toll of Danville |
| Donovan of Burlington | Macaig of Williston | Trieber of Rockingham |
| Edwards of Brattleboro | Malcolm of Pawlet | Waite-Simpson of Essex |
| Ellis of Waterbury | Manwaring of Wilmington | Webb of Shelburne |
| Emmons of Springfield | Marek of Newfane | Weston of Burlington |
| Evans of Essex | Martin of Springfield | Wilson of Manchester |
| Fisher of Lincoln | Martin of Wolcott | Wizowaty of Burlington |
| Font-Russell of Rutland City | Masland of Thetford | Yantachka of Charlotte |
| Frank of Underhill | McCullough of Williston | Young of Albany |
| French of Shrewsbury | Miller of Shaftsbury | |

Those who voted in the negative are:

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| Acinapura of Brandon | Batchelor of Derby | Brennan of Colchester |
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|---------------------------------|-------------------------|-------------------------|
| Browning of Arlington | Howard of Cambridge | Pearce of Richford |
| Burditt of West Rutland | Hubert of Milton | Peaslee of Guildhall |
| Canfield of Fair Haven | Koch of Barre Town | Perley of Enosburgh |
| Crawford of Burke | Komline of Dorset | Reis of St. Johnsbury |
| Degree of St. Albans City | Larocque of Barnet | Savage of Swanton |
| Devereux of Mount Holly | Lawrence of Lyndon | Scheuermann of Stowe |
| Dickinson of St. Albans Town | Lewis of Berlin | Shaw of Pittsford |
| Donaghy of Poultney | Lewis of Derby | Smith of New Haven |
| Donahue of Northfield | Marcotte of Coventry | Stevens of Shoreham |
| Eckhardt of Chittenden | McAllister of Highgate | Strong of Albany |
| Fagan of Rutland City | McFaun of Barre Town | Turner of Milton |
| Hebert of Vernon | McNeil of Rutland Town | Winters of Williamstown |
| Helm of Fair Haven | Morrissey of Bennington | Wright of Burlington |
| Higley of Lowell | Myers of Essex | |
| | Olsen of Jamaica | |

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

| | | |
|------------------------|---------------------------|----------------------|
| Atkins of Winooski | Grad of Moretown | Moran of Wardsboro |
| Bouchard of Colchester | Johnson of Canaan | Townsend of Randolph |
| Branagan of Georgia | Kilmartin of Newport City | Woodward of Johnson |
| Clark of Vergennes | Mitchell of Barnard | |

House Resolution Ameded and Adopted

H.R. 7

House resolution, entitled

House resolution expressing support for the collective bargaining rights of Wisconsin state, public school, municipal, and University of Wisconsin employees

Offered by: Representatives Davis of Washington, Moran of Wardsboro, Ancel of Calais, Atkins of Winooski, Bohi of Hartford, Browning of Arlington, Burke of Brattleboro, Buxton of Royalton, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Copeland-Hanzas of Bradford, Courcelle of Rutland City, Dakin of Chester, Deen of Westminster, Donovan of Burlington, Edwards of Brattleboro, Emmons of Springfield, Evans of Essex, Fisher of Lincoln, Font-Russell of Rutland City, French of Shrewsbury, French of Randolph, Haas of Rochester, Head of South Burlington, Heath of Westford, Hooper of Montpelier, Jerman of Essex, Jewett of Ripton, Keenan of St. Albans City, Kitzmiller of Montpelier, Klein of East Montpelier, Lanpher of Vergennes, Larson of Burlington, Lenex of Shelburne, Leriche of Hardwick, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCullough of Williston, McFaun of Barre Town, Mitchell of Barnard,

Mrowicki of Putney, Munger of South Burlington, Nuovo of Middlebury, O'Brien of Richmond, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Ralston of Middlebury, Ram of Burlington, Shand of Weathersfield, Sharpe of Bristol, South of St. Johnsbury, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor, Till of Jericho, Toll of Danville, Trieber of Rockingham, Waite-Simpson of Essex, Weston of Burlington, Wizowaty of Burlington, Yantachka of Charlotte and Young of Albany

Whereas, public servants are our friends, neighbors, and constituents, and through their carrying out our legislative enactments, they enable us to meet our commitments to all citizens, and

Whereas, Wisconsin was one of the earliest states to guarantee public employees the right to organize and bargain collectively, and Vermont granted similar rights in the 1960s, and

Whereas, recently, the word "union" has been purposely distorted, and we often forget our nation is a union of otherwise self-governing states and that the term is used in wedding ceremonies and to describe the First Amendment freedom to associate in groups which are advancing our legitimate interests, a right that states' governors are obliged to observe always, and

Whereas, historically, labor unions are responsible for the civilized working conditions we take for granted, including 40-hour work weeks, laws pertaining to child labor and health and safety conditions, overtime pay, and health insurance and pension coverage, and

Whereas, as a central part of our democracy, labor unions are the bulwark of assuring a strong middle-class society, and no democracy denies public employees the right to organize and participate in a union and to negotiate at arm's length and in good faith with their governmental employer, and

Whereas, collective bargaining is neither a weapon nor a bludgeon but rather an enlightened method to resolve disagreements in good faith, and

Whereas, Wisconsin Governor Scott Walker has requested legislative introduction of his specific proposal to alleviate the state's fiscal problems, and

Whereas, in response to Governor Walker's request, the Senate Committee on Organization has introduced Senate Bill 11 (SB 11), "An act relating to state finances, collective bargaining for public employees . . ." and other purposes, and

Whereas, under this bill, employees' right to bargain collectively over working conditions and benefits would be eliminated and only "base wages" of

one year's duration could be collectively bargained and only for increases that do not exceed the consumer price index unless a voter referendum to the contrary is approved, and no collectively bargained agreement could be extended beyond a single year, and

Whereas, SB 11 also terminates entirely the collective bargaining rights of the University of Wisconsin System, the University of Wisconsin Hospitals and Clinics Authority, and of certain home care and child health care providers, and

Whereas, Madison, Wisconsin, has become the site of enormous demonstrations in opposition to SB 11, which is an extremely unfortunate proposal that would do great harm to thousands of hard-working Wisconsin public employees, now therefore be it

Resolved by the House of Representatives:

That this body acknowledges despite these hard economic times the great value and worth of municipal, public school, university, and state employees and reaffirms the legitimacy of their right to sit down with their employer in an atmosphere of mutual respect, and be it further

Resolved: That workers in all states, regardless of economic sector and job title or responsibility, must have a basic right to organize and bargain collectively for a fair and just outcome, and be it further

Resolved: That this legislative body calls upon both Vermonters and the Wisconsin state government to reflect on the valuable role of public sector unions in a civil society and also urges that the state of Wisconsin leave public employees' collective bargaining rights intact, and be it further

Resolved: That this legislative body expresses its strong support for the collective bargaining rights of all Wisconsin public employees and of employees of the University of Wisconsin System and urges unions throughout the nation to stand in solidarity with their Wisconsin public employee colleagues, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to Council 24 of the American Federation of State, County and Municipal Employees in Madison, Wisconsin, to Wisconsin Governor Scott Walker, and to the Vermont State Employees Association.

Was taken up, read and pending the question, Shall the resolution be adopted? **Rep. Poirier of Barre City** moved to amend the resolution as follows:

By striking in the last resolved clause the words “the Vermont State Employees Association” and inserting in lieu thereof, all labor unions in Vermont

Which was agreed to.

Thereupon, **Rep. Olsen of Jamaica** moved that the resolution be ordered to lie.

Pending the question, Shall the resolution be ordered to lie? **Rep. Olsen of Jamaica** 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 resolution be ordered to lie? was decided in the negative. Yeas, 43. Nays, 96.

Those who voted in the affirmative are:

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| Acinapura of Brandon | Helm of Fair Haven | Myers of Essex |
| Batchelor of Derby | Higley of Lowell | Olsen of Jamaica * |
| Brennan of Colchester | Howard of Cambridge | Pearce of Richford |
| Burditt of West Rutland | Hubert of Milton | Peaslee of Guildhall |
| Canfield of Fair Haven | Kilmartin of Newport City | Perley of Enosburgh |
| Crawford of Burke | Koch of Barre Town | Reis of St. Johnsbury |
| Degree of St. Albans City | Komline of Dorset | Savage of Swanton |
| Devereux of Mount Holly | Larocque of Barnet | Scheuermann of Stowe |
| Dickinson of St. Albans Town | Lawrence of Lyndon | Shaw of Pittsford |
| Donaghy of Poultney | Lewis of Berlin | Smith of New Haven |
| Eckhardt of Chittenden | Lewis of Derby | Strong of Albany |
| Fagan of Rutland City | Marcotte of Coventry | Turner of Milton |
| Greshin of Warren | McAllister of Highgate | Winters of Williamstown |
| Hebert of Vernon | McNeil of Rutland Town | Wright of Burlington |
| | Morrissey of Bennington * | |

Those who voted in the negative are:

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|-------------------------|-----------------------------|------------------------------|
| Ancel of Calais | Condon of Colchester | Emmons of Springfield |
| Andrews of Rutland City | Conquest of Newbury | Evans of Essex |
| Aswad of Burlington | Consejo of Sheldon | Fisher of Lincoln |
| Bartholomew of Hartland | Copeland-Hanzas of Bradford | Font-Russell of Rutland City |
| Bissonnette of Winooski | Corcoran of Bennington | Frank of Underhill |
| Bohi of Hartford | Courcelle of Rutland City | French of Shrewsbury |
| Botzow of Pownal | Dakin of Chester | French of Randolph |
| Browning of Arlington | Davis of Washington | Gilbert of Fairfax |
| Burke of Brattleboro | Deen of Westminster | Haas of Rochester |
| Buxton of Royalton | Donahue of Northfield | Head of South Burlington |
| Campton of Bennington | Donovan of Burlington | Heath of Westford |
| Cheney of Norwich | Edwards of Brattleboro | Hooper of Montpelier |
| Christie of Hartford | Ellis of Waterbury | Howrigan of Fairfield |
| Clarkson of Woodstock | | Jerman of Essex |

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| Jewett of Ripton | Martin of Wolcott | Sharpe of Bristol |
| Johnson of South Hero | Masland of Thetford | South of St. Johnsbury |
| Keenan of St. Albans City | McCullough of Williston | Spengler of Colchester |
| Kitzmiller of Montpelier | McFaun of Barre Town | Stevens of Waterbury |
| Klein of East Montpelier | Miller of Shaftsbury | Stevens of Shoreham |
| Krebs of South Hero | Mook of Bennington | Stuart of Brattleboro |
| Kupersmith of South Burlington | Mrowicki of Putney | Sweaney of Windsor |
| Lanpher of Vergennes | Munger of South Burlington | Taylor of Barre City |
| Larson of Burlington | Nuovo of Middlebury | Till of Jericho |
| Lenes of Shelburne | O'Brien of Richmond | Toll of Danville |
| Leriche of Hardwick | Partridge of Windham | Trieber of Rockingham |
| Lippert of Hinesburg | Pearson of Burlington | Waite-Simpson of Essex |
| Lorber of Burlington | Peltz of Woodbury | Webb of Shelburne |
| Macaig of Williston | Poirier of Barre City | Weston of Burlington |
| Malcolm of Pawlet | Potter of Clarendon | Wilson of Manchester |
| Manwaring of Wilmington | Pugh of South Burlington | Wizowaty of Burlington |
| Marek of Newfane * | Ralston of Middlebury | Yantachka of Charlotte |
| Martin of Springfield | Ram of Burlington | Young of Albany |
| | Shand of Weathersfield | |

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

| | | |
|------------------------|---------------------|----------------------|
| Atkins of Winooski | Grad of Moretown | Townsend of Randolph |
| Bouchard of Colchester | Johnson of Canaan | Woodward of Johnson |
| Branagan of Georgia | Mitchell of Barnard | |
| Clark of Vergennes | Moran of Wardsboro | |

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

A resolution such as this expresses the sense of this body about a matter of national importance. Our moral compass does not cease to function at our state line and an injustice elsewhere never should be ignored here.”

Rep. Olsen of Jamaica explained his vote as follows:

“Mr. Speaker:

Vermonters expect us to get our own fiscal house in order before we turn our attention to the affairs of another sovereign state.”

Pending the question, Shall the House adopt H.R. 7? **Rep. Poirier of Barre City** 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 House adopt H.R. 7? was decided in the affirmative. Yeas, 95. Nays, 44.

Those who voted in the affirmative are:

| | | |
|------------------------------|--------------------------------|----------------------------|
| Ancel of Calais | French of Shrewsbury | Mook of Bennington |
| Andrews of Rutland City | French of Randolph | Mrowicki of Putney |
| Aswad of Burlington | Gilbert of Fairfax | Munger of South Burlington |
| Bartholomew of Hartland | Haas of Rochester | Nuovo of Middlebury |
| Bissonnette of Winooski | Head of South Burlington | O'Brien of Richmond |
| Bohi of Hartford | Heath of Westford | Partridge of Windham |
| Botzow of Pownal | Hooper of Montpelier | Pearson of Burlington |
| Browning of Arlington | Howrigan of Fairfield | Peltz of Woodbury |
| Burke of Brattleboro | Jerman of Essex | Poirier of Barre City |
| Buxton of Royalton * | Jewett of Ripton | Potter of Clarendon |
| Campton of Bennington | 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 | Shand of Weathersfield |
| Condon of Colchester | Krebs of South Hero | Sharpe of Bristol * |
| Conquest of Newbury | Kupersmith of South Burlington | South of St. Johnsbury |
| Consejo of Sheldon | Lanpher of Vergennes | Spengler of Colchester |
| Copeland-Hanzas of Bradford | Larson of Burlington | Stevens of Waterbury |
| Corcoran of Bennington | Lenes of Shelburne | Stuart of Brattleboro |
| Courcelle of Rutland City | Leriche of Hardwick | Sweaney of Windsor |
| Dakin of Chester | Lippert of Hinesburg | Taylor of Barre City |
| Davis of Washington | Lorber of Burlington | Till of Jericho |
| Deen of Westminster | Macaig of Williston | Toll of Danville |
| Donahue of Northfield | Malcolm of Pawlet | Trieber of Rockingham |
| Donovan of Burlington * | Manwaring of Wilmington | Waite-Simpson of Essex |
| Edwards of Brattleboro | Marek of Newfane | Webb of Shelburne |
| Ellis of Waterbury | Martin of Springfield | Weston of Burlington * |
| Emmons of Springfield | Martin of Wolcott | Wilson of Manchester |
| Evans of Essex | Masland of Thetford | Wizowaty of Charlotte |
| Fisher of Lincoln | McCullough of Williston | Yantachka of Charlotte |
| Font-Russell of Rutland City | McFaun of Barre Town | Young of Albany |
| Frank of Underhill | Miller of Shaftsbury | |

Those who voted in the negative are:

| | | |
|------------------------------|---------------------------|-------------------------|
| Acinapura of Brandon | Fagan of Rutland City | Lewis of Berlin |
| Batchelor of Derby | Greshin of Warren | Lewis of Derby |
| Brennan of Colchester | Hebert of Vernon | Marcotte of Coventry |
| Burditt of West Rutland | Helm of Fair Haven | McAllister of Highgate |
| Canfield of Fair Haven | Higley of Lowell | McNeil of Rutland Town |
| Crawford of Burke | Howard of Cambridge | Morrissey of Bennington |
| Degree of St. Albans City | Hubert of Milton | Myers of Essex |
| Devereux of Mount Holly | Kilmartin of Newport City | Olsen of Jamaica |
| Dickinson of St. Albans Town | Koch of Barre Town | Pearce of Richford |
| Donaghy of Poultney | Komline of Dorset | Peaslee of Guildhall |
| Eckhardt of Chittenden | Larocque of Barnet | Perley of Enosburgh |
| | Lawrence of Lyndon | Reis of St. Johnsbury |

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| Savage of Swanton | Smith of New Haven | Turner of Milton |
| Scheuermann of Stowe | Stevens of Shoreham | Winters of Williamstown |
| Shaw of Pittsford | Strong of Albany | Wright of Burlington * |

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

| | | |
|------------------------|---------------------|----------------------|
| Atkins of Winooski | Grad of Moretown | Townsend of Randolph |
| Bouchard of Colchester | Johnson of Canaan | Woodward of Johnson |
| Branagan of Georgia | Mitchell of Barnard | |
| Clark of Vergennes | Moran of Wardsboro | |

Rep. Buxton of Royalton explained her vote as follows:

“Mr. Speaker:

The underlying function of unions is to protect middleclass workers from the tyranny of the rich and powerful. It’s easy to protect the vulnerable during flush economic times. I voted for this resolution to show my support and respect for all working Americans – at all times; not just when it is easy.

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

I would have co-sponsored this resolution as a small symbolic action. I had planned to vote no if it created a long floor debate, as I do not believe we should be spending our constituent’s time on such symbolic actions. So – no long debate, but roll calls instead. What’s a person to do? I vote yes, but with disgruntlement.

Rep. Donovan of Burlington explained her vote as follows:

“Mr. Speaker:

It was a resolution passed by the Vermont House requesting the Virginia Legislature to prohibit development of a Wal-Mart on holy ground where Vermont soldiers died in the Civil War. They heard us and that ground will remain holy ground in perpetuity.

Rep. Fagan of Rutland City explained his vote as follows:

“Mr. Speaker:

I disagree with the path Wisconsin has chosen. I am unaware of Wisconsin or any other state ever having told Vermont how to act. Let us do the business of Vermonters.

Rep. Koch of Barre Town explained his vote as follows:

“Mr. Speaker:

If I were a member of the Wisconsin legislature, I would not support the bill now before that body. But I am not; rather, I am a member of the Vermont legislature.

To the best of my knowledge Wisconsin has never tried to tell Vermont what to do; neither should we try to tell Wisconsin what to do.

It would behoove us to solve our own problems and mind our own business.

Rep. Komline of Dorset explained her vote as follows:

“Mr. Speaker:

It is inappropriate for this body to inadvertently condone the actions of our colleagues in the Wisconsin legislature who have, and continue to disregard their obligations to the people and Constitution of the State of Wisconsin

Rep. Krebs of South Hero explained his vote as follows:

“Mr. Speaker:

I find it distressing to have to choose to support our public servants and to recognize the importance of protecting workers rights.

While accepting language that is unnecessarily severe and provocative and intrusive and with recent national efforts at more civility and cooperation it is also distressing that such an important issue has to become politicised.

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

This resolution recognizes that the debate in Wisconsin, truly is national in scope. For us to express our views is both fit and proper.

Rep. Morrissey of Bennington explained her vote as follows:

“Mr. Speaker:

I can only ask Mr. Speaker, “Why is this body taking up another state’s labor issues?” I believe that our own State of Vermont has our own significant fiscal issues that we should be addressing and not spending wasteful time on a “feel good”, non-binding resolution..”

Rep. Sharpe of Bristol explained his vote as follows:

“Mr. Speaker:

Neither government action nor the generosity of corporations brought us a middle class. It has hard working Americans united together for collective bargaining – we have unions to thank..”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

I would like to thank the many Vermont labor unions that have realized the importance of helping our state climb out of the hole caused by this recession. Both parties came to the table in good faith and worked with the administration to renegotiate and contribute their share. Others should follow their example. Thank you.”

Rep. Weston of Burlington explained her vote as follows:

“Mr. Speaker:

The deputy attorney general of Indiana said that he advocates for the use of deadly force against the peaceful protesters in Wisconsin. Despite the fact that we are in Vermont, it is our duty to not mind our own business and to speak up to support the peaceful protester’s first amendment rights and freedom of assembly in Wisconsin. I vote yes.”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

My no vote has nothing to do with my opinion of the events in Wisconsin. But what would we think if another state decided to weigh in on any parts of Vermont’s labor laws. And no worries in Vermont, labor organizations are very strong and often wield a great deal of influence in this building.”

Joint Resolution Amended and Adopted

J.R.H. 12

Joint resolution urging Congress to retain federal community services block grant funding for the balance of fiscal year 2011 at its current operating level

Offered by: Representatives Haas of Rochester, Burke of Brattleboro, Cheney of Norwich, Davis of Washington, Donahue of Northfield, Frank of Underhill, French of Randolph, Hooper of Montpelier, McFaun of Barre Town, Mrowicki of Putney, Pearson of Burlington, Stevens of Waterbury, Taylor of Barre City and Wizowaty of Burlington

Whereas, Public Law 111-322 funds the federal government only through March 4, 2011, and

Whereas, the United States House of Representatives has passed H.R. 1, the continuing resolution that appropriates money to fund the federal government for the balance of FY 2011 starting on March 5 and concluding on September 30, and

Whereas, the bill proposes many drastic federal funding reductions in essential support programs for the most needy Americans, and

Whereas, among the most devastating of the proposed funding cuts is a \$300 million reduction in the community services block grant that translates into an estimated loss in Vermont of close to \$2 million in funds for community action agencies which help low income Vermonters move out of poverty and become economically self-sufficient, and

Whereas, because the federal fiscal year will have considerably progressed by March 5, the proposed reduction for the CSBG appropriation in H.R. 1 will result in the termination of federal funding for the agencies' programs for the balance of the FY 2011 fiscal year, and

Whereas, according to Central Vermont Community Action Council Executive Director Hal Cohen, each dollar in federal support leverages another \$20, meaning the federal reduction will lead to an additional loss of \$40 million to the agencies, and

Whereas, the Central Vermont Community Action Council would lose \$320,000 in federal funds and would be forced to close a number of local offices and to lay off 16–20 staff members, and the federal funding shortfall will result in Lamoille, Orange, and Washington County residents having less access to food shelves, housing counseling, and crisis fuel assistance, and

Whereas, the severe negative impact on the lives of the agencies' low income clients that will result from these programmatic cutbacks may extend beyond mere fiscal calculations, and

Whereas, it is essential to the lives of thousands of Vermonters that the FY 2011 federal funding for the CSBG not be reduced for the balance of the current fiscal year, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly strongly urges Congress to retain federal community services block grant funding at its current operating level for the balance of fiscal year 2011, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to each of the Vermont community action agencies and to the Vermont Congressional Delegation.

Was taken up read and pending the question, Shall the resolution be adopted? **Rep. Haas of Rochester** moved to amend the resolution as follows:

By striking the 8th Whereas clause and inserting in lieu thereof the following:

Whereas, the lives of the low income clients who receive services from each of the Vermont community action agencies: including: Community Action in Southwestern Vermont, Central Vermont Community Action Council, Champlain Valley Office of Economic Opportunity, Northeast Kingdom Community Action, and Southeastern Vermont Community Action will be severely impacted by these programmatic cutbacks to an extent that may extend beyond mere fiscal calculations, and

Which was agreed to.

Thereupon, the resolution was adopted.

Bill Amended; Third Reading Ordered

H. 26

Rep. McCullough of Williston, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to limiting the application of fertilizer containing phosphorus or nitrogen to nonagricultural turf

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

Sec. 1. 10 V.S.A. § 1266b is added to read:

§ 1266b. SALE AND USE OF PHOSPHORUS AND NITROGEN

FERTILIZER

(a) Definitions. As used in this section:

(1) “Fertilizer” shall have the same meaning as in 6 V.S.A. § 363(5).

(2) “Impervious surface” means those manmade surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

(3) “Manipulated animal or vegetable manure” means manure that is ground, pelletized, mechanically dried, supplemented with plant nutrients or substances other than phosphorus or phosphate, or otherwise treated to assist with the use of manure as fertilizer.

(4) “Nitrogen fertilizer” means fertilizer labeled for use on turf in which the nitrogen content consists of less than 15 percent slow-release nitrogen.

(5) “Phosphorus fertilizer” means fertilizer in which the available phosphate content is greater than 0.67 percent by weight.

(6) “Slow release nitrogen” means nitrogen in a form that is released over time and that is not water-soluble nitrogen.

(7)(A) “Turf” means land planted in closely mowed, managed grasses, including residential and commercial property and publicly owned land, parks, and recreation areas.

(B) “Turf” shall not include:

(i) pasture, cropland, land used to grow sod, or any other land used for agricultural production; or

(ii) private and public golf courses.

(8) “Water” or “water of the state” means all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs, and all bodies of surface waters, artificial or natural, which are contained within, flow through, or border upon the state or any portion of it.

(9) “Water-soluble nitrogen” means nitrogen in a water-soluble form that does not have slow release properties.

(b) Sale and use of phosphorus fertilizer.

(1) No person shall sell phosphorus fertilizer and no person shall apply phosphorus fertilizer to turf except for:

(A) phosphorus fertilizer necessary for application to turf that is deficient in phosphorus as shown by a soil test performed no more than 36 months before the application of the fertilizer;

(B) phosphorus fertilizer that is labeled as starter fertilizer and that is intended for application to turf when a property owner or an agent of a property owner is first establishing grass in turf via seed or sod procedures, and the application of starter fertilizer is limited to the first growing season;

(C) phosphorus fertilizer that is labeled as repair or patch fertilizer and that is intended for application to damaged turf; or

(D) phosphorus fertilizer that consists of manipulated animal or vegetable manure that, when applied pursuant to the instructions on the container, results in no more than 0.25 pounds of phosphorus applied per 1,000 square feet of turf.

(2) The secretary of agriculture, food and markets shall approve a standard for the soil test required under subdivision (1)(A) of this subsection.

(c) Sale and use of nitrogen fertilizer. No person shall sell nitrogen fertilizer or apply nitrogen fertilizer to turf.

(d) Application of fertilizer to impervious surface; in proximity to water; and seasonal restriction. No person shall apply any fertilizer:

(1) to an impervious surface. Fertilizer applied or released to an impervious surface shall be immediately collected and returned to a container for legal application;

(2) to turf before April 1 or after October 15 in any calendar year or at any time when the ground is frozen; or

(3) to turf within 25 feet of a water of the state.

(e) Retail display of phosphorus fertilizer. A retailer who sells phosphorus fertilizer or who offers phosphorus fertilizer for sale to consumers shall:

(1) Display nonphosphorus fertilizer separately from phosphorus fertilizer; and

(2) Post in the location where phosphorus fertilizer is displayed a clearly visible sign that is at least eight and one-half inches by 11 inches in size and that states "Phosphorus runoff poses a threat to water quality. Under Vermont law, fertilizer containing phosphorus shall not be applied to lawn unless applied to new lawn, damaged lawn, or lawn that is deficient for phosphorus as indicated by a soil test."

(f) Violations. A person who violates this section shall be subject to a civil penalty of not more than \$500.00 per violation. A violation of this section shall be enforceable in the judicial bureau pursuant to the provisions of chapter 29 of Title 4 in an action that may be brought by the agency of agriculture, food and markets or the agency of natural resources. A violation enforced by the agency of natural resources under this section shall be treated as an environmental violation under chapter 29 of Title 4 for the purposes of appeal and setting the applicable penalty.

Sec. 2. 6 V.S.A. § 381 is added to read:

§ 381. GOLF COURSES; NUTRIENT MANAGEMENT PLAN

Beginning July 1, 2012, as a condition of the permit issued to golf courses under chapter 87 of this title and regulations adopted thereunder, a golf course shall be required to submit to the secretary of agriculture, food and markets a nutrient management plan for the use and application of fertilizer to grasses or other lands owned or controlled by the golf course. The nutrient management plan shall ensure that the golf course applies fertilizer according to the

agronomic rates for the site-specific conditions of the golf course.

Sec. 3. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

(a) A judicial bureau is created within the judicial branch under the supervision of the supreme court.

(b) The judicial bureau shall have jurisdiction of the following matters:

(1) Traffic violations alleged to have been committed on or after July 1, 1990.

(2) Civil ordinance violations alleged to have been committed on or after July 1, 1994.

(3) Minor fish and wildlife violations alleged to have been committed on or after September 1, 1996.

* * *

(21) Violations of 13 V.S.A. §§ 3602 and 3603, relating to the unlawful cutting of trees and the marking of harvest units.

(22) Violations of 10 V.S.A. § 1266b, relating to the application of fertilizer to nonagricultural turf.

(c) The judicial bureau shall not have jurisdiction over municipal parking violations.

(d) Three hearing officers appointed by the court administrator shall determine waiver penalties to be imposed for violations within the judicial bureau's jurisdiction, except:

(1) Municipalities shall adopt full and waiver penalties for civil ordinance violations pursuant to 24 V.S.A. § 1979. For purposes of municipal violations, the issuing law enforcement officer shall indicate the appropriate full and waiver penalty on the complaint.

(2) The agency of natural resources and the natural resources board shall include full and waiver penalties in each rule that is adopted under 10 V.S.A. § 8019. For purposes of environmental violations, the issuing entity shall indicate the appropriate full and waiver penalties on the complaint.

Sec. 4. Sec. X. Sec. E.700.1 of Act No. 1 2009 Special Sess. is amended to read:

 Sec. E.700.1 REPORT AND RULEMAKING ON WATER

 MANAGEMENT TYPING FOR THE WHITE RIVER BASIN
 AND THE WEST, WILLIAMS, AND SAXONS RIVER BASIN

(a) On or before January 31, ~~2011~~ 2012, the Two Rivers Ottauquechee Regional Commission and the Windham Regional Commission shall submit to the agency of natural resources and the natural resources board the recommended water management type designations required under Sec. E.700(a)(1) and (2) of this act. Upon receipt of the recommended water management type designations required under this section, the agency of natural resources shall post the recommended water management type designations to its website and shall make the recommendations available to any person upon request.

(b) ~~Within three months of receipt of the recommended water management type designations under this section, the~~ The natural resources board shall initiate rulemaking to amend the water management types in order to consider the recommended water management type designations for the White River basin and the West, Williams and Saxons River basin.

Sec. 5. EFFECTIVE DATE

(a) This section and Sec. 4 (water management typing) of this act shall take effect on passage

(b) Secs. 1 (sale and use of fertilizer), 2 (golf course management plans) and 3 (judicial bureau offense) of this act shall take effect on January 1, 2012.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Fish, Wildlife & Water Resources agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Deen of Westminster** 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, 114. Nays, 24.

Those who voted in the affirmative are:

| | | |
|-------------------------|-----------------------|-----------------------|
| Ancel of Calais | Botzow of Pownal | Cheney of Norwich |
| Andrews of Rutland City | Branagan of Georgia | Christie of Hartford |
| Bartholomew of Hartland | Browning of Arlington | Clarkson of Woodstock |
| Batchelor of Derby | Burke of Brattleboro | Condon of Colchester |
| Bissonnette of Winooski | Buxton of Royalton | Conquest of Newbury |
| Bohi of Hartford | Campton of Bennington | Consejo of Sheldon |

| | | |
|---------------------------------|-----------------------------------|--------------------------|
| Copeland-Hanzas of Bradford | Jewett of Ripton | Myers of Essex |
| Corcoran of Bennington | Johnson of South Hero | Nuovo of Middlebury |
| Courcelle of Rutland City | Keenan of St. Albans City | O'Brien of Richmond |
| Dakin of Chester | Kitzmiller of Montpelier | Partridge of Windham |
| Davis of Washington | Klein of East Montpelier | Pearce of Richford |
| Deen of Westminster * | Koch of Barre Town | Pearson of Burlington |
| Degree of St. Albans City | Komline of Dorset | Peltz of Woodbury |
| Dickinson of St. Albans Town | Krebs of South Hero | Poirier of Barre City |
| Donaghy of Poultney | Kupersmith of South Burlington | Potter of Clarendon |
| Donahue of Northfield | Lanpher of Vergennes | Pugh of South Burlington |
| Donovan of Burlington | Larocque of Barnet | Ralston of Middlebury |
| Edwards of Brattleboro | Larson of Burlington | Ram of Burlington |
| Ellis of Waterbury | Lenes of Shelburne | Savage of Swanton |
| Emmons of Springfield | Leriche of Hardwick | Scheuermann of Stowe |
| Evans of Essex | Lewis of Berlin | Shand of Weathersfield |
| Fagan of Rutland City | Lewis of Derby | Sharpe of Bristol |
| Fisher of Lincoln | Lippert of Hinesburg | South of St. Johnsbury |
| Font-Russell of Rutland City | Lorber of Burlington | Spengler of Colchester |
| Frank of Underhill | Macaig of Williston | Stevens of Waterbury |
| French of Shrewsbury | Malcolm of Pawlet | Stuart of Brattleboro |
| French of Randolph | Manwaring of Wilmington | Sweaney of Windsor |
| Gilbert of Fairfax | Marcotte of Coventry | Taylor of Barre City |
| Grad of Moretown | Marek of Newfane | Till of Jericho |
| Greshin of Warren | Martin of Springfield | Toll of Danville |
| Haas of Rochester | Masland of Thetford | Trieber of Rockingham |
| Head of South Burlington | McCullough of Williston | Waite-Simpson of Essex |
| Heath of Westford | McFaun of Barre Town | Webb of Shelburne |
| Hebert of Vernon | Miller of Shaftsbury | Weston of Burlington |
| Hooper of Montpelier | Mook of Bennington | Wilson of Manchester |
| Howard of Cambridge | Morrissey of Bennington | Wizowaty of Burlington |
| Jerman of Essex | Mrowicki of Putney | Wright of Burlington |
| | Munger of South Burlington | Yantachka of Charlotte |
| | | Young of Albany |

Those who voted in the negative are:

| | | |
|-------------------------|---------------------------|-------------------------|
| Acinapura of Brandon | Hubert of Milton | Perley of Enosburgh |
| Burditt of West Rutland | Kilmartin of Newport City | Reis of St. Johnsbury |
| Canfield of Fair Haven | Lawrence of Lyndon * | Shaw of Pittsford |
| Crawford of Burke | Martin of Wolcott | Smith of New Haven |
| Devereux of Mount Holly | McAllister of Highgate | Stevens of Shoreham |
| Eckhardt of Chittenden | McNeil of Rutland Town | Strong of Albany |
| Helm of Fair Haven | Olsen of Jamaica | Turner of Milton |
| Higley of Lowell | Peaslee of Guildhall | Winters of Williamstown |

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

| | | |
|------------------------|-----------------------|---------------------|
| Aswad of Burlington | Brennan of Colchester | Johnson of Canaan |
| Atkins of Winooski | Clark of Vergennes | Mitchell of Barnard |
| Bouchard of Colchester | Howrigan of Fairfield | Moran of Wardsboro |

Townsend of Randolph

Woodward of Johnson

Rep. Deen of Westminster explained his vote as follows:

“Mr. Speaker:

H. 26 is about cleaning up Lake Champlain. Retailers and Vermonters will get a clear message through warnings at point of sale of fertilizer. With that warning they both will do the right thing. Enforcement is not necessary except for bad actors.”

Rep. Lawrence of Lyndon explained his vote as follows:

“Mr. Speaker:

I support the clean up of Vermont lakes and rivers but feel this bill needs more process; we are making laws that make retailers liable for civil action, suits are unclear as to fertilizer application such as area and specifies no notification to retailers.”

Joint Resolution Adopted

J.R.H. 11

Joint resolution, entitled

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

Was taken up and adopted on the part of the House.

Committee Announcements

The Speaker announced the following committee appointments:

Legislative Advisory Committee on the State House

Rep. Kitzmiller of Montpelier

Rep. Browning of Arlington

Rep. Myers of Essex

Review Board on Retail Sales of Electric Energy

Rep. Marcotte of Coventry

Building Bright Futures Council

Rep. Frank of Underhill

Rep. Crawford of Burke

Commission on Alzheimer’s Disease and Related Disorders

Rep. French of Randolph

Vermont Tobacco Evaluation and Review Board

Rep. Frank of Underhill

Steering Committee on Dairy Price Support

Rep. McAllister of Highgate

State Infrastructure Bank Board

Rep. Lanpher of Vergennes

Governor's Snowmobile Council

Rep. Conquest of Newbury

Petroleum Clean-up Fund Advisory Committee

Rep. Courcelle of Rutland City

Vermont Citizens Advisory Committee on Lake Champlain's Future

Rep. Munger of South Burlington

Rep. Webb of Shelburne

Human Services and Educational facilities Grant Advisory committee

Rep. French of Randolph

Recreational Facilities Grant Advisory Committee

Rep. Kitzmiller of Montpelier

Vermont Milk Commission

Rep. Malcolm of Pawlet

Vermont Web Portal Board

Rep. Atkins Winooski

Legislative Committee on Judicial Rules

Rep. Lippert of Hinesburg

Rep. Haas of Rochester

Rep. Smith of Morristown

Rep. Kilmartin of Newport City

Art in State Buildings Advisory Panel

Rep. Clarkson of Woodstock

Adjournment

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