

# Journal of the House

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**Friday, February 25, 2011**

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. Roy V. Hill, II, of the Vermont Ecumenical Council and Bible Society.

## **Memorial Service**

The Speaker placed before the House the following name of a member of past sessions of the Vermont General Assembly who had passed away recently:

**John R. Grenier**

**Member from Waterbury  
Sessions of 1969 and 1971**

Thereupon, the members of the House rose for a moment of prayer in memory of the deceased member. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved family

## **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. 331**

By Reps. Hebert of Vernon, Batchelor of Derby, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Clark of Vergennes, Crawford of Burke, Degree of St. Albans City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Eckhardt of Chittenden, Fagan of Rutland City, Helm of Fair Haven, Higley of Lowell, Howrigan of Fairfield, Hubert of Milton, Koch of Barre Town, Komline of Dorset, Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin, Lewis of Derby, Marcotte of Coventry, McNeil of Rutland Town, Myers of Essex, Perley of Enosburgh, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Smith of New Haven, Strong of Albany, Winters of Williamstown and Wright of Burlington,

House bill, entitled

An act relating to removing the requirement of legislative approval of continued operation of a nuclear power plant;

To the committee on Natural Resources and Energy.

**H. 332**

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

House bill, entitled

An act relating to an environmental commission for Vermont in the 21st century;

To the committee on Natural Resources and Energy.

**H. 333**

By Reps. Poirier of Barre City, Aswad of Burlington, Atkins of Winooski, Bissonnette of Winooski, Bohi of Hartford, Courcelle of Rutland City, Donovan of Burlington, Edwards of Brattleboro, Fisher of Lincoln, Howrigan of Fairfield, Jerman of Essex, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Krebs of South Hero, Lanpher of Vergennes, Lenes of Shelburne, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Martin of Wolcott, Masland of Thetford, McCullough of Williston, Munger of South Burlington, Potter of Clarendon, Reis of St. Johnsbury, Shand of Weathersfield, South of St. Johnsbury, Spengler of Colchester, Stevens of Shoreham, Till of Jericho, Townsend of Randolph, Waite-Simpson of Essex, Weston of Burlington, Wilson of Manchester and Yantachka of Charlotte,

House bill, entitled

An act relating to compliance testing of tobacco licensees;

To the committee on Human Services.

**H. 334**

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to e-mailing ballots to voters residing temporarily out of state;

To the committee on Government Operations.

**H. 335**

By Reps. Koch of Barre Town and McFaun of Barre Town,  
House bill, entitled  
An act relating to amending the charter of the town of Barre;  
To the committee on Government Operations.

**H. 336**

By Reps. Savage of Swanton, Hubert of Milton, McNeil of Rutland Town  
and Shaw of Pittsford,  
House bill, entitled  
An act relating to qualification of candidates and vote tabulators;  
To the committee on Government Operations.

**H. 337**

By Rep. Savage of Swanton,  
House bill, entitled  
An act relating to election officials responsible for conducting a recount;  
To the committee on Government Operations.

**H. 338**

By Rep. Dickinson of St. Albans Town,  
House bill, entitled  
An act relating to the energy efficiency charge;  
To the committee on Natural Resources and Energy.

**H. 339**

By Rep. Masland of Thetford,  
House bill, entitled  
An act relating to municipal development plans and ridgeline protection  
bylaws;  
To the committee on Natural Resources and Energy.

**H. 340**

By Reps. Klein of East Montpelier, Cheney of Norwich, Deen of  
Westminster, Lanpher of Vergennes and Martin of Springfield,

House bill, entitled

An act relating to prohibiting cruel and inhumane treatment of dogs in puppy mills;

To the committee on Agriculture.

**H. 341**

By Rep. Komline of Dorset,

House bill, entitled

An act relating to minors in possession of alcoholic beverages;

To the committee on Judiciary.

**H. 342**

By Rep. Krebs of South Hero,

House bill, entitled

An act relating to the format and composition of survey plats;

To the committee on Government Operations.

**H. 343**

By Reps. Webb of Shelburne, Deen of Westminster, Krebs of South Hero and McCullough of Williston,

House bill, entitled

An act relating to the water quality of Lake Champlain;

To the committee on Fish, Wildlife & Water Resources.

**H. 344**

By Reps. Malcolm of Pawlet and Lawrence of Lyndon,

House bill, entitled

An act relating to the erection of signs related to municipal identity or character;

To the committee on Transportation.

**H. 345**

By Rep. Sweaney of Windsor,

House bill, entitled

An act relating to Windsor pilot project for tax exemption in an economically depressed Designated Downtown District;

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To the committee on Ways and Means.

**H. 346**

By Reps. Johnson of South Hero, Krebs of South Hero, Browning of Arlington, Hooper of Montpelier and Kitzmiller of Montpelier,

House bill, entitled

An act relating to the exploration of structural changes by supervisory unions with a superintendent vacancy;

To the committee on Education.

**H. 347**

By Rep. Fisher of Lincoln,

House bill, entitled

An act relating to consolidation of supervisory unions;

To the committee on Education.

**H. 348**

By Reps. Fisher of Lincoln and Sharpe of Bristol,

House bill, entitled

An act relating to school construction costs;

To the committee on Education.

**H. 349**

By Reps. Fisher of Lincoln, French of Randolph, Mrowicki of Putney, Pearson of Burlington, Sharpe of Bristol and Wizowaty of Burlington,

House bill, entitled

An act relating to protecting public health by the use of safer cleaning products in schools;

To the committee on Education.

**H. 350**

By Rep. Fisher of Lincoln,

House bill, entitled

An act relating to an incentive for families receiving reduced price meals to apply for 3SquaresVT;

To the committee on Human Services.

**H. 351**

By Rep. Hooper of Montpelier,

House bill, entitled

An act relating to creating a presumption that the common level of appraisal following a reappraisal is 1.00;

To the committee on Ways and Means.

**H. 352**

By Reps. Dickinson of St. Albans Town, Branagan of Georgia and Savage of Swanton,

House bill, entitled

An act relating to expansion of the village green renewable pilot program;

To the committee on Commerce and Economic Development.

**H. 353**

By Rep. Malcolm of Pawlet,

House bill, entitled

An act relating to renewal of medical marijuana registration cards;

To the committee on Human Services.

**H. 354**

By Rep. McCullough of Williston,

House bill, entitled

An act relating to parental rights and responsibilities;

To the committee on Judiciary.

**H. 355**

By Rep. O'Brien of Richmond,

House bill, entitled

An act relating to expanding health insurance coverage for autism spectrum disorders;

To the committee on Health Care.

**H. 356**

By Reps. Pearson of Burlington, Poirier of Barre City, Edwards of Brattleboro, Ram of Burlington and Spengler of Colchester,

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House bill, entitled

An act relating to absence from work for health care and safety;

To the committee on General, Housing and Military Affairs.

**H. 357**

By Rep. Pearson of Burlington,

House bill, entitled

An act relating to adding a person's name to the statewide voter checklist when he or she reaches 18 years of age;

To the committee on Government Operations.

**H. 358**

By Rep. Klein of East Montpelier,

House bill, entitled

An act relating to advanced practice registered nurses;

To the committee on Human Services.

**H. 359**

By Reps. Ram of Burlington, Buxton of Royalton, Christie of Hartford, Crawford of Burke, Donovan of Burlington, Evans of Essex, French of Randolph, Hooper of Montpelier, Larson of Burlington, Lenes of Shelburne, Lorber of Burlington, Masland of Thetford, McCullough of Williston, Pearson of Burlington, Peltz of Woodbury, Savage of Swanton, Shand of Weathersfield, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor, Trieber of Rockingham, Weston of Burlington, Wilson of Manchester, Wizowaty of Burlington, Yantachka of Charlotte and Young of Albany,

House bill, entitled

An act relating to promoting work study opportunities;

To the committee on Commerce and Economic Development.

**H. 360**

By Rep. Fisher of Lincoln,

House bill, entitled

An act relating to the Vermont National Guard;

To the committee on General, Housing and Military Affairs.

**Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

**S. 14**

Senate bill, entitled

An act relating to display of POW/MIA flag;

To the committee on General, Housing and Military Affairs.

**S. 31**

Senate bill, entitled

An act relating to the Agreement Among the States to Elect the President by National Popular Vote;

To the committee on Government Operations.

**S. 37**

Senate bill, entitled

An act relating to expungement of a nonviolent misdemeanor criminal history record;

To the committee on Judiciary.

**S. 73**

Senate bill, entitled

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

To the committee on Judiciary.

**Bill Referred to Committee on Ways and Means****H. 155**

House bill, entitled

An act relating to property-assessed clean energy districts

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

**Joint Resolution Placed on Calendar****J.R.H. 13**

Joint resolution urging the United States Department of Agriculture to authorize each state to create its own list of foods eligible for purchase with

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federal Supplemental Nutrition Assistance Program funds or alternatively to authorize a demonstration project allowing the state of Vermont to develop its own list

Offered by: Representatives Olsen of Jamaica, Branagan of Georgia, Crawford of Burke, Dickinson of St. Albans Town, Greshin of Warren, Hebert of Vernon, Helm of Fair Haven, Howard of Cambridge, Koch of Barre Town, Komline of Dorset, Malcolm of Pawlet, Masland of Thetford, McAllister of Highgate, Pearson of Burlington, Stevens of Shoreham, Wilson of Manchester, Wright of Burlington and Young of Albany

Whereas, the 2008 Farm Bill redesignated the federal Food Stamp Program as the Supplemental Nutrition Assistance Program (SNAP), and this change became effective October 1, 2008, and

Whereas, in Vermont, the department for children and families (the department) administers SNAP under the name 3SquaresVT, and

Whereas, one element of 3SquaresVT is the provision of funds for eligible individuals including those: whose gross household income is equal to or less than 185 percent of the federal poverty level based on household size; who have children and receive the Vermont earned income tax credit; or whose household includes a disabled person at least 60 years old notwithstanding the 185 percent household income limitation, but the department may still be taking into consideration the economic resources available to the household, and

Whereas, the United States Department of Agriculture encourages SNAP recipients to follow healthy nutritional practices, and the 2008 Farm Bill authorized \$20 million for pilot projects to evaluate nutrition-promotion aspects of SNAP, and

Whereas, although the state of Vermont controls the administration of the 3SquaresVT program, it does not have control over the foods eligible for purchase with SNAP funds, and

Whereas, according to the department for children and families, 86 percent of 3SquaresVT individual recipients are also enrolled in a state-funded health insurance program such as Medicaid or VHAP, and comparable situations may possibly exist in other states, and

Whereas, despite the federal concern about the nutritional quality of SNAP-funded food purchases, the USDA in accordance with 7 CFR § 271.2 (11)(1-2) defines eligible food as “any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and

hot food products prepared for immediate consumption” as well as “seeds and plants to grow foods for the personal consumption of eligible households,” and

Whereas, based on this definition, soft drinks, candy, cookies, crackers, bakery cakes, and ice cream are eligible food items, and

Whereas, excessive consumption of these food items does not represent nutritious dietary practices and could cause state-financed health care expenditures to increase due to problems related to the sugar and fat content contained in these products, and

Whereas, if 3SquaresVT recipients purchased fewer soft drinks, cookies, crackers, bakery cakes, and less candy and ice cream, they would retain more funds for purchasing healthier foods such as fruits and vegetables, and

Whereas, a sales tax on sugary products would not result in a Medicaid savings because federal law prohibits the imposition of a sales or excise tax on food purchased with SNAP vouchers, and

Whereas, were the states authorized to develop their own lists of foods that may be purchased with SNAP funds, they could potentially improve the health of SNAP recipients and reduce the states’ expenses for health care costs, and

Whereas, alternatively, 7 CFR 282.2 authorizes USDA to establish federal demonstration projects, and such a project could allow a state to design an alternative food list for purchase with SNAP funds, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges the United States Department of Agriculture to authorize each state to create its own list of foods eligible for purchase with federal Supplemental Nutrition Assistance Program funds or alternatively to authorize a demonstration project allowing the state of Vermont to develop its own list, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to United States Secretary of Agriculture Tom Vilsack, to Commissioner for Children and Families Dave Yacovone, and to the Vermont Congressional Delegation.

Which was read and, in the Speaker’s discretion, placed on the Calendar for action on the next legislative day under Rule 52.

**Legislative Oversight Committee on Information  
Technology Members Announced**

The Speaker announced members of the Legislative Oversight Committee on Information Technology as follows:

**Rep. Davis of Washington**  
**Rep. Ram of Burlington**  
**Rep. Olsen of Jamaica**  
**Rep. Young of Albany**

**Bill Amended, Read Third Time and Passed**

**H. 275**

House bill, entitled

An act relating to the recently deployed veteran tax credit

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

First: In Sec. 1, 32 V.S.A. § 5930nn, by adding a new (d)(1)(D) to read:

(D) who has not been employed by the qualified employer for 90 days prior to the date of hire.

Which was agreed to.

Pending third reading of the bill, **Rep. Fagan of Rutland City** moved to amend the bill as follows:

First: In Sec. 1, 32 V.S.A. § 5930nn, in (a), after the word “hired” by striking out “on or before” and inserting “between January 1, 2011 and”

Second: In Sec. 1, 32 V.S.A. § 5930nn, in (b), after the word “started” by striking out “on or before” and inserting “between January 1, 2011 and”

Third: In Sec. 2, EFFECTIVE DATE, by striking out the words “on passage” and inserting the words “January 1, 2011”

Thereupon, **Rep. Fagan of Rutland City** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the bill was read the third time and passed.

**Third Reading; Bill Passed**

**H. 299**

House bill, entitled

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

Was taken up, read the third time and passed.

**Bill Amended; Third Reading Ordered****H. 120**

**Rep. Bissonnette of Winooski**, for the committee on Transportation, to which had been referred House bill, entitled

An act relating to commemorative Boy Scout motor vehicle plates

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

Sec. 1. 23 V.S.A. § 304d is added to read:

§ 304d. COMMEMORATIVE REGISTRATION PLATES

(a) Application; organization limit. A safety or service organization, as defined in subsection 304(b) of this title, with at least 100 in-state members in good standing may apply to the commissioner for authorization to design, produce, purchase, and sell motor vehicle plates commemorating significant organization anniversaries, milestones, or events. The commissioner shall not authorize an organization or its successor to design, produce, purchase, or sell commemorative plates more than two times in any 100-year period.

(b) Statewide limit. No more than two organization commemorative plates shall be authorized for display at any given time pursuant to this section. The commissioner shall authorize or deny applications for commemorative plates in the order in which they are received.

(c) Approval of design; display period. The design of a commemorative plate shall be subject to prior approval by the commissioner. In exercising his or her discretion over plate design, the commissioner shall not approve a design with any combination of numerals or letters or both that might be confused with such combinations on regular registration plates. The commissioner shall specify the period during which an approved plate may be displayed, which shall not exceed two years.

(d) Display. Residents of the state of Vermont may display an approved commemorative plate on the front of a motor vehicle registered as a pleasure car and on motor trucks registered for less than 26,001 pounds and excluding vehicles registered under the International Registration Plan by covering the front registration plate with the commemorative plate for the period specified by the commissioner, which shall not exceed two years. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.

(e) Price; proceeds. The organization shall establish the price and retain the proceeds from its sales of approved commemorative plates.

Sec. 2. REPEAL

23 V.S.A. §§ 515a (commemorative Vermont bicentennial plates), 515b (commemorative Masonic organization plates), and 515c (commemorative Lake Champlain quadricentennial plates) are repealed.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to a process for authorizing commemorative motor vehicle plates”

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

**House Resolution Adopted**

**H.R. 8**

House resolution, entitled

House resolution opposing the federal expenditure reductions in H.R.1 as passed by the United States House of Representatives and strongly urging Congress to adopt a fairer and more equitable legislative alternative

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

**Adjournment**

At ten o'clock and thirty-five minutes in the forenoon, on motion of **Rep. Emmons of Springfield**, the House adjourned until Tuesday, March 8, 2011, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 5.

**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. 70**

House concurrent resolution in celebration of the 100th anniversary of Lyndon State College;

**H.C.R. 71**

House concurrent resolution honoring the life of Rutland native John Deere on his 207th birthday;

**H.C.R. 72**

House concurrent resolution congratulating Miles Yucht of Shaftsbury on his scholastic achievement as a 2010 Siemens Award winner;

**H.C.R. 73**

House concurrent resolution recognizing the importance of after-school programs for the youth of Vermont;

**H.C.R. 74**

House concurrent resolution congratulating the Weston Playhouse Theater Company in celebration of its 75th (diamond) anniversary;

**H.C.R. 75**

House concurrent resolution honoring Clyde Prouty for his exemplary public service on behalf of the town of Londonderry;

**H.C.R. 76**

House concurrent resolution honoring the national and community service of Carlisle Coates of Williston;

**H.C.R. 77**

House concurrent resolution honoring Ted's Barber Shop in Manchester ;

**H.C.R. 78**

House concurrent resolution congratulating the Lawrence Memorial Library in Bristol on its centennial anniversary;

**H.C.R. 79**

House concurrent resolution congratulating Northeast Slopes of East Corinth on its silver anniversary;

**H.C.R. 80**

House concurrent resolution congratulating Elizabeth Cushman Titus Putnam of Shaftsbury on being the first conservationist awarded the Presidential Citizens Medal;

**H.C.R. 81**

House concurrent resolution congratulating the 2011 Vermont winners of Prudential Spirit of Community Awards;

[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.]