

Journal of the House

Thursday, March 31, 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 the Speaker.

Senate Bills Referred

S. 36

Senate bill, entitled

An act relating to the surplus lines insurance multi-state compliance compact

Was read and referred to the committee on Commerce and Economic Development.

S. 101

Senate bill, entitled

An act relating to child support enforcement;

Was taken up, read the first time and referred to the committee on Judiciary.

Bill Read Second Time: Bill Amended; Consideration Interrupted by Recess

H. 443

Rep. Brennan of Colchester spoke for the committee on Transportation.

Rep. Helm of Fair Haven, for the committee on Appropriations, to which had been referred House bill, entitled

An act relating to the state's transportation program

Reported in favor of its passage when amended as follows:

In Sec. 13, by striking subdivision (a)(5) in its entirety and inserting in lieu thereof a new subdivision (a)(5) to read:

(5) After consulting with the joint transportation oversight committee, such other paving, roadway, or bridge projects as determined by the secretary.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the committee on Appropriations?

Recess

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

At eleven o'clock and five minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Bill Amended and Third Reading Ordered

H. 443

Consideration resumed on House bill, entitled

An act relating to the state's transportation program

Thereupon, the recurring question, Shall the bill be amended as recommended by the committee on Appropriations? was agreed to.

Pending the question, Shall the bill be read the third time? **Reps. Till of Jericho and Frank of Underhill** moved to amend the bill as follows:

In Sec. 26, 10 V.S.A. § 495, in subdivision (a)(3), by inserting a new sentence to be the last sentence of the subdivision to read:

A sign shall not be considered to contain, include, or be illuminated by flashing intermittent or moving lights or to move or have animated or moving parts if lights or parts of the sign change solely for the purpose of displaying a single, complete message in a sequence of frames due to space constraints of the sign.

Thereupon, **Rep. Till of Jericho** asked and was granted leave of the House to withdraw the amendment.

Pending the question, Shall the bill be read the third time? **Rep. Howard of Cambridge** moved to amend the bill as follows:

First: By striking Sec. 26 in its entirety and by renumbering the remaining sections to be numerically correct.

Second: In the last section, the effective dates section renumbered as Sec. 34, in subsection (b), by striking "15-34" and inserting in lieu thereof "15-33"

Pending the question, Shall the bill be amended as recommended by Rep. Howard of Cambridge? **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 bill be amended as recommended by Rep. Howard of Cambridge? was decided in the affirmative. Yeas, 96. Nays, 40.

Those who voted in the affirmative are:

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

Those who voted in the negative are:

Acinapura of Brandon	Canfield of Fair Haven	Dickinson of St. Albans
Batchelor of Derby	Degree of St. Albans City	Town
Bouchard of Colchester	Devereux of Mount Holly	Donaghy of Poultney
Burditt of West Rutland		Eckhardt of Chittenden

Hebert of Vernon	Marcotte of Coventry	Reis of St. Johnsbury
Helm of Fair Haven	McAllister of Highgate	Savage of Swanton
Higley of Lowell	McFaun of Barre Town	Scheuermann of Stowe
Howard of Cambridge *	McNeil of Rutland Town	Shaw of Pittsford
Hubert of Milton	Morrissey of Bennington	Smith of New Haven
Johnson of Canaan	Myers of Essex	Strong of Albany
Larocque of Barnet	Olsen of Jamaica	Till of Jericho *
Lawrence of Lyndon	Pearce of Richford	Turner of Milton *
Lewis of Berlin	Peaslee of Guildhall	Wright of Burlington
Lewis of Derby	Perley of Enosburgh	Young of Albany

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

Ancel of Calais	Grad of Moretown	Kupersmith of South Burlington
Clark of Vergennes	Kilmartin of Newport City	Pearson of Burlington
Crawford of Burke	Koch of Barre Town	Webb of Shelburne
Donahue of Northfield	Komline of Dorset	Winters of Williamstown
Fagan of Rutland City		

Rep. Till of Jericho explained his vote as follows:

“Mr. Speaker:

Presently the law is silent on the issue of how quickly a sign may change messages. The Legislature should decide this issue and put it in the statutes. Whether that interval is 15 minutes, 5 minutes or any other interval instead of relying on a three decades old A.G. opinion which is quite vague saying only that changing every 15 minutes would not likely violate the statute that exists.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

We live in the era of technology and we hear time after time that we need to update our laws to stay up with this changing world. However, in this case we choose to leave the determination up to an out-dated Attorney General opinion of what is a legal sign. Thank you.”

Rep. Howard of Cambridge explained his vote as follows:

“Mr. Speaker:

How many more of our citizen’s first amendment rights will we continue let slip away by subverting the committee process? It is my hope that the Natural Resources Committee will take on this vague and out-dated law that can both retain the Vermont landscape we all love and allow our residents the same rights that other Americans enjoy?”

Pending the question, Shall the bill be read the third time? **Rep. Krebs of South Hero** moved to amend the bill as follows:

In Sec. 24, subsection (a), after the words “a representative of the Vermont League of Cities and Towns designated by the league.” by inserting the following: “a representative of the Vermont Society of Land Surveyors designated by the society.”

Which was agreed to and third reading ordered.

Recess

At eleven o'clock and forty minutes in the forenoon, the Speaker declared a recess until twelve o'clock and forty-five minutes in the afternoon.

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

Favorable Report; Bill Amended and Third Reading Ordered

H. 446

Rep. Emmons of Springfield spoke for the committee on Corrections and Institutions.

Rep. Johnson of South Hero, for the committee on Appropriations, to which had been referred House bill, entitled

An act relating to capital construction and state bonding

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be read the third time? **Rep. Scheuermann of Stowe** moved to amend the bill as follows:

In Sec. 4 (a)(3) by striking the word “abatement and inserting in lieu there the word prevention

Which was agreed to and third reading of the bill was ordered.

Message from Governor

A message was received from His Excellency, the Governor, by Mrs. Alexandra Maclean, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the thirty-first day of March, 2011, he approved and signed a bill originating in the House of the following title:

H. 431 An act relating to extending the implementation date of certain employment-related disclosure requirements

Adjournment

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