

Journal of the House

Friday, January 20, 2012

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

Devotional Exercises

Devotional exercises were conducted by Christina Cosgrove, Social Director from the Bennington Veteran's Home.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 576

By Reps. Conquest of Newbury, Howard of Cambridge, Lawrence of Lyndon and Scheuermann of Stowe,

House bill, entitled

An act relating to termination of a tenancy for nonpayment of rent;

To the committee on General, Housing and Military Affairs.

H. 577

By Rep. Deen of Westminster,

House bill, entitled

An act relating to public water systems;

To the committee on Fish, Wildlife & Water Resources.

H. 578

By Rep. Poirier of Barre City,

House bill, entitled

An act relating to naturopathic physicians;

To the committee on Health Care.

H. 579

By Reps. Conquest of Newbury, Burditt of West Rutland, Johnson of Canaan and Peaslee of Guildhall,

House bill, entitled

An act relating to a snowmobile decal exemption;

To the committee on Transportation.

H. 580

By Reps. Waite-Simpson of Essex, Clarkson of Woodstock, Deen of Westminster, Edwards of Brattleboro, Evans of Essex, French of Shrewsbury, Heath of Westford, Jerman of Essex, Marek of Newfane, Mrowicki of Putney, Myers of Essex, Ram of Burlington, Till of Jericho, Wizowaty of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to the safe storage of a firearm;

To the committee on Judiciary.

Joint Resolution Placed on Calendar

J.R.H. 21

Joint resolution supporting the establishment of the National Women's History Museum in Washington, D.C.

Offered by: Representatives Ram of Burlington, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Courcelle of Rutland City, Dakin of Chester, Ellis of Waterbury, Evans of Essex, French of Randolph, Heath of Westford, Johnson of South Hero, Keenan of St. Albans City, Kupersmith of South Burlington, Lenes of Shelburne, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, Martin of Wolcott, Miller of Shaftsbury, Mook of Bennington, Mrowicki of Putney, O'Brien of Richmond, O'Sullivan of Burlington, South of St. Johnsbury, Till of Jericho, Toll of Danville, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne and Yantachka of Charlotte

Whereas, in 1987, Congress declared March to serve as "Women's History Month" to acknowledge the important role women have played in shaping America, and

Whereas, although women constitute a majority of the nation's population, their achievements and contributions are underrepresented in museums and memorials, and

Whereas, only 10 percent of the people identified in a recent survey of 18 history textbooks were women, and

Whereas, in 1999, the President’s Commission on the Celebration of Women in American History called for a women’s history museum to be established on “The National Mall” in Washington, D.C., and

Whereas, the National Women’s History Museum (NWHM), founded in 1996, is a nonpartisan, nonprofit, educational organization dedicated to preserving, interpreting, and celebrating the diverse historic contributions of women and integrating the heritage of women fully into this nation’s history, and

Whereas, the NWHM seeks a site on or close to the National Mall and in close proximity to the White House and the U.S. Capitol Building, and

Whereas, the NWHM has identified federally owned property for sale near the National Mall, and two congressional bills—the National Women’s History Act of 2011, sponsored by Representative Maloney in the House of Representatives as H.R. 1269 and Senator Collins in the Senate as S.80, and the National Women’s History Museum and Federal Facilities Consolidation

Act of 2011, sponsored in the House of Representatives by Representative Mica as H.R. 2844 and in the Senate by Senator Boozman as S.1870—are currently pending in Congress, and

Whereas, there are museums dedicated to flight, postage stamps, buildings, and many other areas of interest but not to women, and yet women comprise 51 percent of the nation’s population, and

Whereas, the NWHM will showcase the full history of women in the United States and the contributions they have made and continue to make in the marketplace, arts and sciences, government, entertainment, education, home, and community, and

Whereas, a coalition of 43 women’s organizations representing eight million women, which includes the National Foundation for Women Legislators (NFWL), supports the efforts of the NWHM to establish a permanent residence near the National Mall, the most prominent location for museums to be situated in the nation’s capital, and

Whereas, in 1880, 40 years before universal women’s suffrage was enshrined in the United States Constitution as the 19th Amendment, the Vermont General Assembly granted tax-paying women the right to vote in and hold office in school district elections, and

Whereas, in 1917, Vermont became the first New England state to grant women the right to vote in municipal elections, and

Whereas, women have played an important role in Vermont state government, having served as governor, lieutenant governor (Vermont elected

the first female lieutenant governor in the United States), secretary of state, and state treasurer, and

Whereas, in 2011, Vermont has one of the highest percentages of women state legislators of any state in the nation, and the tradition of women legislators dates to Edna Beard, who was elected the first female state representative in 1920 and then the first female state senator in 1922, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to enact legislation, subject to a set of conditions, including a prohibition on the use of federal funds, authorizing the federal government to convey land near the National Mall to the National Women's History Museum for the purpose of constructing a museum chronicling the history of women in American life, 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 on the next legislative day under Rule 52.

Bill Amended, Consideration Interrupted by Recess

H. 558

House bill, entitled

An act relating to fiscal year 2012 budget adjustment

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

First: By striking out Secs. 82, 83, 106, 108, 109, 110, and 111 in their entirety

Second: In Sec. 114, Effective Dates, by striking out subsection (b) in its entirety and by relettering the remaining subsections to be alphabetically correct

Which was agreed to.

Pending third reading of the bill, **Rep. Higley of Lowell** moved to amend the bill as follows:

In Sec. 87 by striking out subsections (a) and (b) and by relettering the remaining subsections to be alphabetically correct.

Recess

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

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

**Consideration Resumed; Bill Amended;
Read the Third Time and Passed****H. 558**

Consideration resumed on House bill, entitled

An act relating to fiscal year 2012 budget adjustment,

Thereupon, the recurring question, Shall the bill be amended as recommended by Rep. Higley of Lowell? was disagreed to.

Pending third reading of the bill, **Reps. Olsen of Jamaica, Manwaring of Wilmington, Ancel of Calais, Botzow of Pownal, Branagan of Georgia, Browning of Arlington, Clarkson of Woodstock, Degree of St. Albans City, Eckhardt of Chittenden, Greshin of Warren, Hebert of Vernon, Johnson of Canaan, Komline of Dorset, Masland of Thetford, Scheuermann of Stowe, Sharpe of Bristol and Wright of Burlington** moved to amend the bill by adding a Sec. 113a to read as follows:

Sec. 113a. GENERAL FUND TRANSFER BASE CALCULATION

(a) At the end of fiscal year 2013 and at the end of any following fiscal year, notwithstanding 32 V.S.A. §§ 308c and 308d, after the general fund budget stabilization reserve attains its statutory maximum, one-half of any additional unreserved and undesignated general fund balance shall be added to the amount transferred to the education fund until the joint fiscal committee has determined that the goal in subsection (c) of this section has been met.

(b) Notwithstanding any other provision of law, an amount equal to the amount transferred to the education fund under subsection (a) of this section shall be added to the base amount used to calculate the general fund transfer under 16 V.S.A. § 4025(a)(2) for the following fiscal year.

(c) It is the intent of the general assembly to gradually return to the adjusted amount of the general fund transfer, as increased annually under the formula prescribed by 16 V.S.A. § 4025(a)(2), that would have been used but for the changes in Sec. E.513.1 of No. 63 of the Acts of 2011. The joint fiscal committee shall determine when the increases to the base amount in 16 V.S.A. § 4025(a)(2) made under subsection (b) of this section have attained the goal stated in this subsection.

(d) The joint fiscal office shall report to the joint fiscal committee at least annually on the progress made under this section in returning to the base amount of the general fund transfer to the education fund under 16 V.S.A. § 4025(a)(2) of \$280,200,000, as increased by the inflationary index in that section, starting in fiscal year 2008.

Pending the question, Shall the bill be amended as recommended by Rep. Olsen et al? **Rep. Degree of St. Albans 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 bill be amended as recommended by Rep. Olsen et al? was decided in the affirmative. Yeas, 138. Nays, 0.

Those who voted in the affirmative are:

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|---------------------------------|-----------------------------------|----------------------------|
| Acinapura of Brandon | Donaghy of Poultney | Lanpher of Vergennes |
| Ancel of Calais | Donahue of Northfield | Larocque of Barnet |
| Andrews of Rutland City | Donovan of Burlington | Lawrence of Lyndon |
| Aswad of Burlington | Eckhardt of Chittenden | Lenes of Shelburne |
| Atkins of Winooski | Edwards of Brattleboro | Leriche of Hardwick |
| Bartholomew of Hartland | Ellis of Waterbury | Lewis of Berlin |
| Batchelor of Derby | Emmons of Springfield | Lewis of Derby |
| Bissonnette of Winooski | Evans of Essex | Lippert of Hinesburg |
| Bohi of Hartford | Fagan of Rutland City | Lorber of Burlington |
| Botzow of Pownal | Fisher of Lincoln | Macaig of Williston |
| Bouchard of Colchester | Frank of Underhill | Malcolm of Pawlet |
| Branagan of Georgia | French of Shrewsbury | Manwaring of Wilmington |
| Brennan of Colchester | French of Randolph | Marcotte of Coventry |
| Browning of Arlington | Gilbert of Fairfax | Marek of Newfane |
| Burditt of West Rutland | Grad of Moretown | Martin of Springfield |
| Burke of Brattleboro | Greshin of Warren | Martin of Wolcott |
| Buxton of Tunbridge | Haas of Rochester | Masland of Thetford |
| Campion of Bennington | Head of South Burlington | McAllister of Highgate |
| Canfield of Fair Haven | Hebert of Vernon | McCullough of Williston |
| Cheney of Norwich | Helm of Fair Haven | McFaun of Barre Town |
| Christie of Hartford | Higley of Lowell | McNeil of Rutland Town |
| Condon of Colchester | Hooper of Montpelier | Miller of Shaftsbury |
| Consejo of Sheldon | Hubert of Milton | Mook of Bennington |
| Copeland-Hanzas of Bradford | Jerman of Essex | Moran of Wardsboro |
| Corcoran of Bennington | Jewett of Ripton | Mrowicki of Putney |
| Courcelle of Rutland City | Johnson of South Hero | Munger of South Burlington |
| Crawford of Burke | Johnson of Canaan | Myers of Essex |
| Dakin of Chester | Kilmartin of Newport City | Nuovo of Middlebury |
| Davis of Washington | Kitzmiller of Montpelier | O'Brien of Richmond |
| Deen of Westminster | Klein of East Montpelier | Olsen of Jamaica |
| Degree of St. Albans City | Koch of Barre Town | O'Sullivan of Burlington |
| Devereux of Mount Holly | Komline of Dorset | Partridge of Windham |
| Dickinson of St. Albans Town | Krebs of South Hero | Pearce of Richford |
| | Kupersmith of South Burlington | Pearson of Burlington |
| | | Peaslee of Guildhall |

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| Peltz of Woodbury | Shaw of Pittsford | Townsend of Randolph |
| Perley of Enosburgh | Smith of New Haven | Turner of Milton |
| Potter of Clarendon | South of St. Johnsbury | Waite-Simpson of Essex |
| Pugh of South Burlington | Spengler of Colchester | Webb of Shelburne |
| Ralston of Middlebury | Stevens of Waterbury | Wilson of Manchester |
| Ram of Burlington | Stevens of Shoreham | Winters of Williamstown |
| Reis of St. Johnsbury | Strong of Albany | Wizowaty of Burlington |
| Russell of Rutland City | Stuart of Brattleboro | Woodward of Johnson |
| Savage of Swanton | Sweaney of Windsor | Wright of Burlington |
| Scheuermann of Stowe | Taylor of Barre City | Yantachka of Charlotte |
| Shand of Weathersfield | Till of Jericho | Young of Glover |
| Sharpe of Bristol | Toll of Danville | Zagar of Barnard |

Those who voted in the negative are: none

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

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| Clark of Vergennes | Howard of Cambridge | Poirier of Barre City |
| Clarkson of Woodstock | Howrigan of Fairfield | Trieber of Rockingham |
| Conquest of Newbury | Keenan of St. Albans City | |
| Heath of Westford | Morrissey of Bennington | |

Pending third reading of the bill, **Rep. Hebert of Vernon** moved to amend the bill as follows:

Representative Hebert of Vernon moves that the bill be amended in Sec. 67(a)(3) by striking “3,000,000.00” and inserting in lieu thereof “10,000,000.00”

Which was disagreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Pearson of Burlington** 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 pass? was decided in the affirmative. Yeas, 101. Nays, 37.

Those who voted in the affirmative are:

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| Acinapura of Brandon | Burke of Brattleboro | Dakin of Chester |
| Ancel of Calais | Buxton of Tunbridge | Davis of Washington |
| Andrews of Rutland City | Campion of Bennington | Deen of Westminster |
| Aswad of Burlington | Cheney of Norwich | Donahue of Northfield * |
| Atkins of Winooski | Christie of Hartford | Donovan of Burlington |
| Bartholomew of Hartland | Condon of Colchester | Edwards of Brattleboro |
| Bissonnette of Winooski | Consejo of Sheldon | Ellis of Waterbury |
| Bohi of Hartford | Copeland-Hanzas of | Emmons of Springfield |
| Botzow of Pownal | Bradford | Evans of Essex |
| Brennan of Colchester | Corcoran of Bennington | Fisher of Lincoln |
| Browning of Arlington | Courcelle of Rutland City | Frank of Underhill |

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|-----------------------------------|----------------------------|-------------------------|
| French of Shrewsbury | Manwaring of Wilmington | Russell of Rutland City |
| French of Randolph | Marek of Newfane | Shand of Weathersfield |
| Gilbert of Fairfax | Martin of Springfield | Sharpe of Bristol |
| Grad of Moretown | Martin of Wolcott | South of St. Johnsbury |
| Greshin of Warren | Masland of Thetford | Spengler of Colchester |
| Haas of Rochester | McCullough of Williston | Stevens of Waterbury |
| Head of South Burlington | McFaun of Barre Town | Stevens of Shoreham |
| Hoopier of Montpelier | Miller of Shaftsbury | Stuart of Brattleboro |
| Jerman of Essex | Mook of Bennington | Sweaney of Windsor |
| Jewett of Ripton | Moran of Wardsboro | Taylor of Barre City |
| Johnson of South Hero * | Mrowicki of Putney | Till of Jericho |
| Kitzmiller of Montpelier | Munger of South Burlington | Toll of Danville |
| Klein of East Montpelier | Nuovo of Middlebury | Townsend of Randolph |
| Krebs of South Hero | O'Brien of Richmond | Waite-Simpson of Essex |
| Kupersmith of South Burlington | Olsen of Jamaica | Webb of Shelburne |
| Lanpher of Vergennes | O'Sullivan of Burlington | Wilson of Manchester |
| Larocque of Barnet | Partridge of Windham | Wizowaty of Burlington |
| Lenes of Shelburne | Pearce of Richford | Woodward of Johnson |
| Leriche of Hardwick | Pearson of Burlington | Wright of Burlington * |
| Lippert of Hinesburg | Peltz of Woodbury | Yantachka of Charlotte |
| Lorber of Burlington | Potter of Clarendon | Young of Glover |
| Macaig of Williston | Pugh of South Burlington | Zagar of Barnard |
| Malcolm of Pawlet | Ralston of Middlebury | |
| | Ram of Burlington | |

Those who voted in the negative are:

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| Batchelor of Derby | Hebert of Vernon | McNeil of Rutland Town |
| Bouchard of Colchester | Helm of Fair Haven | Myers of Essex |
| Branagan of Georgia | Higley of Lowell | Peaslee of Guildhall |
| Burditt of West Rutland | Hubert of Milton * | Perley of Enosburgh |
| Canfield of Fair Haven | Johnson of Canaan | Reis of St. Johnsbury |
| Crawford of Burke | Kilmartin of Newport City | Savage of Swanton |
| Degree of St. Albans City | Koch of Barre Town | Scheuermann of Stowe |
| Devereux of Mount Holly | Komline of Dorset | Shaw of Pittsford |
| Dickinson of St. Albans Town * | Lawrence of Lyndon | Smith of New Haven |
| Donaghy of Poultney | Lewis of Berlin | Strong of Albany |
| Eckhardt of Chittenden | Lewis of Derby | Turner of Milton |
| Fagan of Rutland City | Marcotte of Coventry | Winters of Williamstown |
| | McAllister of Highgate | |

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

| | | |
|-----------------------|---------------------------|-----------------------|
| Clark of Vergennes | Howard of Cambridge | Poirier of Barre City |
| Clarkson of Woodstock | Howrigan of Fairfield | Trieber of Rockingham |
| Conquest of Newbury | Keenan of St. Albans City | |
| Heath of Westford | Morrissey of Bennington | |

Rep. Dickinson of St. Albans Town explained her vote as follows:

“Mr. Speaker:

I applaud the Appropriations committee for cutting \$300,000 from the General Fund as shown on the summary page of the FY12 Budget Adjustment Annotated Bill detail left on our desks.

But the bottom line of the summary page of the Annotated Bill shows the bottom line figure under totals of what was passed in May 2011 was \$6,342,357,367 and the total now for the 2012 Budget with the changes of this Budget Adjustment Act is now \$6,354,004,424. This is an increase of almost \$12 million dollars. This is an increase at the same time the state economists have predicted revenue shortfalls in the coming months.

Thank you Mr. Speaker.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

There is a bottom line to this bill that gives me grave concern about both policy and government expenditures. However, I publicly raised the two issues of most significance to me in those regards and both were addressed in this final bill. For that reason, I vote yes.”

Rep. Hebert of Vernon explained his vote as follows:

“Mr. Speaker:

This is not about the need for new employees, but about how we hire them. This is just an end run on new employees and to expand government. And this is why I must vote no.”

Rep. Johnson of South Hero explained her vote as follows:

“Mr. Speaker:

This budget includes a pass thru of \$30 million that has no state fiscal impact. Once you remove that \$30 million pass thru, this bill reduces the FY12 total expenditures by nearly \$20 million and keeps our budget balanced.”

Rep. Sharpe of Bristol explained his vote as follows:

“Mr. Speaker:

The power and wisdom of our Act 60/68 Education Funding System was proven today with unanimous passage of an amendment adding additional General Fund support for the Education Fund.”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

Despite initial concerns with certain aspects of the bill, my yes vote reflects my support for various funding provisions, including ones that are important to our community in Burlington.”

Bill Amended; Third Reading Ordered

H. 507

Rep. Atkins of Winooski, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to authorizing the city of Burlington to issue in fiscal year 2012 the school bond approved in 2009

Reported in favor of its passage when amended as follows:

In Sec. 1, after the words “issued prior to the close of fiscal year”, by striking out “2012” and inserting in lieu thereof “2013”

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

Rules Suspended; Bill Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

H. 558

House bill, entitled

An act relating to fiscal year 2012 budget adjustment

Adjournment

At twelve o'clock and twenty-five minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, January 24, 2012, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 39.

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. 232

House concurrent resolution honoring House Calendar Clerk Jean Jasman;

H.C.R. 233

House concurrent resolution in memory of former Vermont State Poet Ruth Stone of Goshen;

H.C.R. 234

House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks Division I championship girls' soccer team;

H.C.R. 235

House concurrent resolution honoring Jan Sotirakis of Pittsford for her extraordinary public service following Tropical Storm Irene;

H.C.R. 236

House concurrent resolution thanking Neale Lunderville for his leadership of Vermont's post-Irene recovery effort;

H.C.R. 237

House concurrent resolution congratulating Stratton Mountain Ski Resort on its golden anniversary;

H.C.R. 238

House concurrent resolution honoring James T. Day for his outstanding four-decade career in public education;

H.C.R. 239

House concurrent resolution wishing a very happy and joyous 90th birthday to the member from Burlington, Representative William Aswad;

H.C.R. 240

House concurrent resolution congratulating Barbara Brody on winning a national Teacher of the Year Award for Dedication and Excellence as a Driver Educator;

H.C.R. 241

House concurrent resolution congratulating the 2011 Harwood Union High School Highlanders boys' and girls' cross-country teams on winning their respective Division II state championships;

S.C.R. 25

Senate concurrent resolution honoring the historic preservation efforts of the Northfield Historical Society Cemetery Project;

S.C.R. 26

Senate concurrent resolution recognizing the dedicated public service and career accomplishments of retired Rutland City Police Chief Anthony Bossi;

[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 2012, seventy-second Adjourned session.]