

Journal of the House

Thursday, February 9, 2012

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

Devotional Exercises

Devotional exercises were conducted by Peter Gilbert, Executive Director of the Vermont Humanities Council.

Message from the Senate No. 12

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 passed Senate bill of the following title:

S. 181. An act relating to school resource officers.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 36. Senate concurrent resolution in memory of Rutland Regional Planning Commission Executive Director Mark Blucher.

Senate Bill Referred

S. 181

Senate bill, entitled

An act relating to school resource officers

Was read and referred to the committee on Education.

Third Reading; Bill Passed

H. 752

House bill, entitled

An act relating to permitting stormwater discharges in impaired watersheds

Was taken up, read the third time and passed.

Bill Read Second Time; Consideration Interrupted by Recess**H. 754**

Rep. Sharpe of Bristol spoke for the committee on Ways and Means.

House bill entitled

An act relating to the education property tax rate and base education amount for fiscal year 2013

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? **Reps. Sharpe of Bristol and Olsen of Jamaica** moved to amend the bill as follows:

By adding a Sec. 3a to read as follows:

Sec. 3a. 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.

Recess

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

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

Consideration Resumed; Bill Amended and Third Reading Ordered

H. 754

Consideration resumed on House bill entitled

An act relating to the education property tax rate and base education amount for fiscal year 2013;

Pending the question, Shall the bill be amended as recommended by Reps. Sharpe of Bristol and Olsen of Jamaica? **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 Reps. Sharpe of Bristol and Olsen of Jamaica? was decided in the affirmative. Yeas, 140. Nays, 0.

Those who voted in the affirmative are:

Acinapura of Brandon	Consejo of Sheldon	French of Shrewsbury
Ancel of Calais	Copeland-Hanzas of	French of Randolph
Andrews of Rutland City	Bradford	Gilbert of Fairfax
Atkins of Winooski	Corcoran of Bennington	Grad of Moretown
Bartholomew of Hartland	Courcelle of Rutland City	Greshin of Warren
Batchelor of Derby	Crawford of Burke	Haas of Rochester
Bissonnette of Winooski	Dakin of Chester	Head of South Burlington
Bohi of Hartford	Davis of Washington	Heath of Westford
Botzow of Pownal	Deen of Westminster	Helm of Fair Haven
Bouchard of Colchester	Degree of St. Albans City	Higley of Lowell
Branagan of Georgia	Devereux of Mount Holly	Hooper of Montpelier
Brennan of Colchester	Dickinson of St. Albans	Howard of Cambridge
Browning of Arlington	Town	Hubert of Milton
Burditt of West Rutland	Donaghy of Poultney	Jerman of Essex
Burke of Brattleboro	Donahue of Northfield	Jewett of Ripton
Buxton of Tunbridge	Donovan of Burlington	Johnson of South Hero
Campion of Bennington	Eckhardt of Chittenden	Johnson of Canaan
Canfield of Fair Haven	Edwards of Brattleboro	Kilmartin of Newport City
Cheney of Norwich	Ellis of Waterbury	Kitzmiller of Montpelier
Christie of Hartford	Emmons of Springfield	Klein of East Montpelier
Clark of Vergennes	Evans of Essex	Koch of Barre Town
Clarkson of Woodstock	Fagan of Rutland City	Krebs of South Hero
Condon of Colchester	Fisher of Lincoln	Kupersmith of South
Conquest of Newbury	Frank of Underhill	Burlington

Lanpher of Vergennes	Mrowicki of Putney	Smith of New Haven
Larocque of Barnet	Munger of South Burlington	South of St. Johnsbury
Lawrence of Lyndon	Myers of Essex	Spengler of Colchester
Lenes of Shelburne	Nuovo of Middlebury	Stevens of Waterbury
Leriche of Hardwick	O'Brien of Richmond	Stevens of Shoreham
Lewis of Berlin	Olsen of Jamaica	Strong of Albany
Lewis of Derby	O'Sullivan of Burlington	Stuart of Brattleboro
Lippert of Hinesburg	Partridge of Windham	Sweaney of Windsor
Lorber of Burlington	Pearce of Richford	Taylor of Barre City
Macaig of Williston	Pearson of Burlington	Till of Jericho
Malcolm of Pawlet	Peltz of Woodbury	Toll of Danville
Manwaring of Wilmington	Perley of Enosburgh	Townsend of Randolph
Marcotte of Coventry	Poirier of Barre City	Trieber of Rockingham
Marek of Newfane	Potter of Clarendon	Turner of Milton
Martin of Springfield	Pugh of South Burlington	Waite-Simpson of Essex
Martin of Wolcott	Ralston of Middlebury	Webb of Shelburne
Masland of Thetford	Ram of Burlington	Wilson of Manchester
McAllister of Highgate	Reis of St. Johnsbury	Winters of Williamstown
McCullough of Williston	Russell of Rutland City	Wizowaty of Burlington
McFaun of Barre Town	Savage of Swanton	Woodward of Johnson
McNeil of Rutland Town	Scheuermann of Stowe	Yantachka of Charlotte
Miller of Shaftsbury	Shand of Weathersfield	Young of Glover
Mook of Bennington	Sharpe of Bristol	Zagar of Barnard
Moran of Wardsboro	Shaw of Pittsford	

Those who voted in the negative are:

none

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

Aswad of Burlington	Keenan of St. Albans City	Peaslee of Guildhall
Hebert of Vernon	Komline of Dorset	Wright of Burlington
Howrigan of Fairfield	Morrissey of Bennington	

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

First: In Sec. 1 (fiscal year 2013 education property tax rates), in subdivision (a)(1), by striking out “\$1.37” and inserting in lieu thereof “\$1.34” and, in subdivision (a)(2), by striking out “\$0.88” and inserting in lieu thereof “\$0.85”

Second: By adding a Sec. 3a to read:

Sec. 3a. REPEAL

Sec. E.513.1 of No. 63 of the Acts of 2011 is repealed.

Pending the question, Shall the bill be amended as recommended by Reps. Browning of Arlington and Scheuermann of Stowe? **Rep. Browning of Arlington** 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 Reps. Browning of Arlington and Scheuermann of Stowe? was decided in the negative. Yeas, 48. Nays, 94.

Those who voted in the affirmative are:

Andrews of Rutland City	Eckhardt of Chittenden	Moran of Wardsboro
Batchelor of Derby	Fagan of Rutland City	Myers of Essex
Bouchard of Colchester	Higley of Lowell	Olsen of Jamaica
Brennan of Colchester	Howard of Cambridge	Perley of Enosburgh
Browning of Arlington	Hubert of Milton	Poirier of Barre City
Burditt of West Rutland	Kilmartin of Newport City	Reis of St. Johnsbury
Canfield of Fair Haven	Koch of Barre Town	Savage of Swanton
Clark of Vergennes	Komline of Dorset	Scheuermann of Stowe
Consejo of Sheldon	Larocque of Barnet	Shaw of Pittsford
Crawford of Burke	Lawrence of Lyndon	Smith of New Haven
Davis of Washington	Lewis of Berlin	South of St. Johnsbury
Degree of St. Albans City	Lewis of Derby *	Strong of Albany
Devereux of Mount Holly	Manwaring of Wilmington *	Townsend of Randolph
Dickinson of St. Albans Town	Marcotte of Coventry	Turner of Milton
Donaghy of Poultney	McAllister of Highgate	Waite-Simpson of Essex
Donahue of Northfield *	McFaun of Barre Town	
	McNeil of Rutland Town	

Those who voted in the negative are:

Acinapura of Brandon	Courcelle of Rutland City	Jerman of Essex
Ancel of Calais	Dakin of Chester	Jewett of Ripton
Aswad of Burlington	Deen of Westminster	Johnson of South Hero
Atkins of Winooski	Donovan of Burlington	Johnson of Canaan
Bartholomew of Hartland	Edwards of Brattleboro	Kitzmiller of Montpelier
Bissonnette of Winooski	Ellis of Waterbury	Klein of East Montpelier
Bohi of Hartford	Emmons of Springfield	Krebs of South Hero
Botzow of Pownal	Evans of Essex	Kupersmith of South Burlington
Branagan of Georgia	Fisher of Lincoln	Lanpher of Vergennes
Burke of Brattleboro	Frank of Underhill	Lenes of Shelburne
Buxton of Tunbridge	French of Shrewsbury *	Leriche of Hardwick
Campion of Bennington	French of Randolph	Lippert of Hinesburg
Cheney of Norwich	Gilbert of Fairfax	Lorber of Burlington
Christie of Hartford	Grad of Moretown	Macaig of Williston
Clarkson of Woodstock	Greshin of Warren	Malcolm of Pawlet
Condon of Colchester	Haas of Rochester	Marek of Newfane
Conquest of Newbury	Head of South Burlington	Martin of Springfield
Copeland-Hanzas of Bradford	Heath of Westford	Martin of Wolcott
Corcoran of Bennington	Helm of Fair Haven	Masland of Thetford
	Hooper of Montpelier	

McCullough of Williston	Potter of Clarendon	Taylor of Barre City
Miller of Shaftsbury	Pugh of South Burlington	Till of Jericho
Mook of Bennington	Ralston of Middlebury	Toll of Danville
Mrowicki of Putney	Ram of Burlington	Trieber of Rockingham
Munger of South Burlington	Russell of Rutland City	Webb of Shelburne *
Nuovo of Middlebury	Shand of Weathersfield	Wilson of Manchester
O'Brien of Richmond	Sharpe of Bristol *	Winters of Williamstown
O'Sullivan of Burlington	Spengler of Colchester	Wizowaty of Burlington
Partridge of Windham	Stevens of Waterbury	Woodward of Johnson
Pearce of Richford	Stevens of Shoreham	Yantachka of Charlotte
Pearson of Burlington	Stuart of Brattleboro	Young of Glover
Peltz of Woodbury	Sweaney of Windsor	Zagar of Barnard

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

Hebert of Vernon	Keenan of St. Albans City	Peaslee of Guildhall
Howrigan of Fairfield	Morrissey of Bennington	Wright of Burlington

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

I see this amendment as purely about transparency to the taxpayers of Vermont. We owe that to them.”

Rep. French of Shrewsbury explained his vote as follows:

“Mr. Speaker:

Everyone would like to have lower property taxes. This amendment does not account for what services the money from the general fund will reduce or eliminate. Nor does it assure that property taxes for a particular town would be lowered. Only school budgets can do that. The Sharpe/Olson amendment, which has unanimous support, replenishes the education fund in a more responsible way.”

Rep. Lewis of Derby explained his vote as follows:

“Mr. Speaker:

I voted yes. With a budget in the billions, what is \$27,000? Wouldn't it be nice for once to go home and tell people that we reduced their property taxes for a change instead of increasing them again.”

Rep. Manwaring of Wilmington explained her vote as follows:

“Mr. Speaker:

Under the present education funding system the state resorts to blunt instruments to influence local spending. It is my belief that we need a new

conversation around education funding. How does the \$1.3 billion we spend relate to outcomes for our children. It seems enough money to have a world-class education for all Vermont children. So, I chose to violate another personal belief to not support programs whose funding is not identified. I use this vote as a blunt tool to raise awareness of the need to move on to the larger conversation . . . and that is what are we buying for all our children for \$1.3 billion? After all, it is difficult to argue that any expenditure of public money is a more important public good than education.”

Rep. Sharpe of Bristol explained his vote as follows:

“Mr. Speaker:

This amendment, if passed, would have reduced taxes for penny rate homestead and non-residential taxpayers only and it would have further shifted the tax responsibility on those residents who pay education taxes based on their income.”

Rep. Webb of Shelburne explained her vote as follows:

“Mr. Speaker:

I am always interested in property tax relief. I know my community wants it. But this amendment does not guarantee that and neither committee of jurisdiction on a bipartisan basis could support it. The better alternative is to restore the full general fund transfer. This needs to be done in a responsible manner as we just did in the previous amendment.”

Pending the question, Shall the bill be read a third time? **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 read a third time? was decided in the affirmative. Yeas, 101. Nays, 42.

Those who voted in the affirmative are:

Acinapura of Brandon	Campion of Bennington	Deen of Westminster
Ancel of Calais	Cheney of Norwich	Donahue of Northfield
Andrews of Rutland City	Christie of Hartford	Donovan of Burlington
Aswad of Burlington	Clarkson of Woodstock	Edwards of Brattleboro
Atkins of Winooski	Condon of Colchester	Ellis of Waterbury
Bartholomew of Hartland	Conquest of Newbury	Emmons of Springfield
Bissonnette of Winooski	Copeland-Hanzas of	Evans of Essex
Bohi of Hartford	Bradford	Fisher of Lincoln
Botzow of Pownal	Corcoran of Bennington	Frank of Underhill
Branagan of Georgia	Courcelle of Rutland City	French of Shrewsbury
Burke of Brattleboro	Dakin of Chester	French of Randolph
Buxton of Tunbridge	Davis of Washington	Gilbert of Fairfax

Grad of Moretown	Marek of Newfane	Shand of Weathersfield
Greshin of Warren	Martin of Springfield	Sharpe of Bristol
Haas of Rochester	Martin of Wolcott	Spengler of Colchester
Head of South Burlington	Masland of Thetford	Stevens of Waterbury
Heath of Westford	McCullough of Williston	Stevens of Shoreham
Helm of Fair Haven	Miller of Shaftsbury	Stuart of Brattleboro
Hooper of Montpelier	Mook of Bennington	Sweaney of Windsor
Jerman of Essex	Moran of Wardsboro	Taylor of Barre City
Jewett of Ripton	Mrowicki of Putney	Till of Jericho
Johnson of South Hero	Munger of South Burlington	Toll of Danville
Johnson of Canaan	Nuovo of Middlebury	Townsend of Randolph
Kitzmiller of Montpelier	O'Brien of Richmond	Trieber of Rockingham
Klein of East Montpelier	O'Sullivan of Burlington	Waite-Simpson of Essex
Krebs of South Hero	Partridge of Windham	Webb of Shelburne
Kupersmith of South Burlington	Pearce of Richford	Wilson of Manchester
Lanpher of Vergennes	Pearson of Burlington	Winters of Williamstown
Lenes of Shelburne	Peltz of Woodbury	Wizowaty of Burlington
Leriche of Hardwick	Poirier of Barre City	Woodward of Johnson
Lippert of Hinesburg	Potter of Clarendon	Yantachka of Charlotte
Lorber of Burlington	Pugh of South Burlington	Young of Glover
Macaig of Williston	Ralston of Middlebury	Zagar of Barnard
Malcolm of Pawlet	Ram of Burlington	
	Russell of Rutland City	

Those who voted in the negative are:

Batchelor of Derby	Fagan of Rutland City	McNeil of Rutland Town
Bouchard of Colchester	Higley of Lowell	Myers of Essex
Brennan of Colchester	Howard of Cambridge	Olsen of Jamaica
Browning of Arlington *	Hubert of Milton	Peaslee of Guildhall
Burditt of West Rutland	Kilmartin of Newport City	Perley of Enosburgh
Canfield of Fair Haven	Koch of Barre Town	Reis of St. Johnsbury
Clark of Vergennes	Komline of Dorset	Savage of Swanton
Consejo of Sheldon	Larocque of Barnet	Scheuermann of Stowe
Crawford of Burke	Lawrence of Lyndon	Shaw of Pittsford
Degree of St. Albans City	Lewis of Berlin	Smith of New Haven
Devereux of Mount Holly	Lewis of Derby *	South of St. Johnsbury
Dickinson of St. Albans Town	Manwaring of Wilmington	Strong of Albany
Donaghy of Poultney	Marcotte of Coventry	Turner of Milton
Eckhardt of Chittenden	McAllister of Highgate	
	McFaun of Barre Town	

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

Hebert of Vernon	Keenan of St. Albans City	Wright of Burlington
Howrigan of Fairfield	Morrissey of Bennington	

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

I vote no because I oppose this increase in broad-based tax rates and I also protest the absurd statutory charade that allows us to raise tax rates while claiming to lower them. This practice is neither transparent nor accountable.”

Rep. Lewis of Derby explained his vote as follows:

“Mr. Speaker:

I did say 27,000 I meant 27 million. Woops.”

Bill Read Second Time; Bill Amended and Third Reading Ordered

H. 755

Rep. Frank of Underhill spoke for the committee on Human Services.

House bill entitled

An act relating to extending the deadline for adoption of certain health department rules

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. Frank of Underhill** moved to amend the bill as follows:

By striking out "January 1, 2013" and inserting in lieu thereof the following "March 1, 2013"

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

Bill Amended; Third Reading Ordered

H. 565

Rep. Young of Glover, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to regulating licensed lenders and mortgage loan originators

Reported in favor of its passage when amended as follows:

First: In Sec. 2, 8 V.S.A. § 2201, in subdivision (d)(10), by striking “\$50,000.00” and inserting in lieu thereof “\$75,000.00”

Second: In Sec. 2, 8 V.S.A. § 2201, in subdivision (e)(1), by striking “2200(19)” and inserting in lieu thereof “2200(22)”

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

Message from the Senate No. 13

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 considered a bill originating in the House of the following title:

H. 558. An act relating to fiscal year 2012 budget adjustment.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 45. Joint resolution expressing sincere appreciation to Margaret Lucenti for her dedicated public service.

In the adoption of which the concurrence of the House is requested.

Adjournment

At four o'clock and forty 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.