

# Journal of the House

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Wednesday, February 22, 2012

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

## Devotional Exercises

Devotional exercises were conducted by Pastor Rebecca Strader of First Presbyterian Church, Graniteville, VT.

## Message from the Senate No. 17

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 joint resolution of the following title:

**J.R.S. 47.** Joint resolution urging the United States Postal Service not to implement its proposed major reductions and urging Congress to enact the Postal Service Protection Act.

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

## Committee Bill Introduced

### H. 762

**Rep. Botzow of Pownal**, for the committee on Commerce and Economic Development, introduced a bill, entitled

An act relating to workers' compensation and unemployment compensation

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

## Joint Resolution Placed on Calendar

### J.R.S. 47

By Senators Ashe, Campbell, Carris, Doyle, Illuzzi, McCormack and Nitka,

**J.R.S. 47.** Joint resolution urging the United States Postal Service not to implement its proposed major reductions and urging Congress to enact the Postal Service Protection Act.

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*Whereas*, the motto of the United States Postal Service (USPS) proclaims that “neither rain, nor sleet, nor gloom of night stays these couriers from the swift completion of their appointed rounds,” and

*Whereas*, although severe weather conditions may not be a barrier to the prompt delivery of the United States mail, apparently administrative ineptitude and poor planning may prove a far more likely reason for impeded mail delivery, and

*Whereas*, in 2011, the USPS proposed a major reduction in postal services that if implemented would shutter 252 mail-processing facilities nationwide and could result in the elimination of 100,000 jobs, and

*Whereas*, in Vermont, the White River Junction mail-processing center and potentially 15 local post offices, many of them rural, could close, and

*Whereas*, should the White River Junction processing facility be closed, jobs in Burlington and Manchester, New Hampshire could also be affected, potentially resulting in an overall loss of 51 jobs and the relocation of 195 other USPS employees, and

*Whereas*, Article 1, Section 8, Clause 7 of the United States Constitution provides that “The Congress shall have Power . . . To establish Post Offices and post Roads,” and

*Whereas*, unlike most federally organized agencies, the USPS is entirely self-funded, and USPS revenues help defray the federal deficit, and were these revenues not being diverted for deficit reduction purposes, they could be used to help underwrite the cost of the USPS, and

*Whereas*, the USPS connects virtually every United States and territorial address and is a vital link for locations with inadequate Internet service, as is the case in a number of Vermont communities, and

*Whereas*, the fiscal crisis that confronts the USPS results from a requirement that it prefund its retiree health benefit fund for 75 years in advance, within a 10-year time frame, at an annual cost of \$5.5 billion, and were this federal requirement struck, the USPS would be operating nearly debt-free and with a \$15 billion line of credit, and

*Whereas*, if these cutbacks come to fruition, the one-day in-state delivery of mail would become a two- to three-day time lag, and

*Whereas*, as an alternative to eliminating the 75-year prefunding requirement, were the price of a first class letter raised from 44 cents to 57 cents, which would still make the USPS the least expensive postal service in

the industrial West, then none of the processing plants would need to be closed, and

*Whereas*, in December 2011, in response to the strong public and Congressional outcry, United States Postmaster General Patrick Donahoe delayed the implementation date until May 15, 2012, and

*Whereas*, on the night of January 4, 2012, a large crowd of approximately 500 persons attended a USPS-sponsored forum held at the American Legion Hall in White River Junction where many of the attendees, both postal workers and the general public, expressed strong opposition to the closure plans, criticizing the economic impact on both service quality and the loss of jobs, and

*Whereas*, among the attendees were Governor Peter Shumlin, Secretary of Commerce and Community Development Lawrence Miller, Commissioner of Labor Annie Noonan, the entire Vermont Congressional delegation including United States Senator Bernie Sanders, who spoke of “a death spiral for the post office,” and members of the General Assembly, all of whom were present to express their support for keeping the White River Junction processing center and all Vermont post offices open, and

*Whereas*, in response to the intended USPS reductions, Senator Bernie Sanders has introduced the Postal Service Protection Act, which would: eliminate the 75-year advance funding requirement and enable the USPS to recover the overpayment of at least \$50 billion that it has made to the fund; eliminate the prohibition on the USPS providing nonpostal services; prevent the closing of rural post offices; protect six-day delivery; and protect mail processing facilities, and

*Whereas*, the health of Vermont’s predominantly rural economy is extremely dependent on the robust operation of the United States Postal Service’s six-days-per-week delivery of documents, packages, and personal correspondence, and the closing of the White River Junction processing center and any local post offices is not easily measurable and could result in unforeseen negative economic consequences for Vermont, and

*Whereas*, the integrity of the USPS would be severely threatened should the proposed reductions take effect, and the legislation that Senator Bernie Sanders has proposed would provide a more sound financial basis for USPS operations, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the General Assembly urges the United States Postal Service not to implement its proposed major reductions and further urges Congress to enact the Postal Service Protection Act, *and be it further*

**Resolved:** That the Secretary of State be directed to send a copy of this resolution to the Northern New England District of the United States Postal Service, to United States Postmaster General Patrick Donahoe, and to the

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

**Rules Suspended; Bill Committed****H. 762**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Botzow of Pownal**, the rules were suspended and House bill, entitled

An act relating to workers' compensation and unemployment compensation  
Was taken up for immediate consideration.

Pending second reading of the bill, on motion of **Rep. Botzow of Pownal**, the bill was committed to the committee on Commerce and Economic Development.

**Third Reading; Bill Passed****H. 634**

House bill, entitled

An act relating to remedies for failure to pay municipal tickets  
Was taken up, read the third time and passed.

**Bill Amended, Read Third Time and Passed****H. 753**

House bill, entitled

An act relating to encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures

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

By adding a new section to be Sec. 14a to read:

Sec. 14a. MODIFIED UNIFIED UNION SCHOOL DISTRICT

(a) Notwithstanding any provision of law to the contrary:

(1)(A) if all local elementary school districts in the member towns of an existing union high school or union middle school-high school district (“union high school district”) vote whether to establish a unified union school district providing prekindergarten or kindergarten through grade 12, and

(B) if a majority but not all of the elementary school districts votes in favor of establishing the unified union school district, then

(2) a new modified union school district (the “modified union school district”) shall be established that shall:

(A) provide to the students residing in the member towns of the union high school district education in those grades provided by the union high school district; and

(B) provide elementary education to the students residing in the current elementary school districts that voted in favor of the unified union school district.

(b) Establishment of the modified union school district shall:

(1) dissolve the union high school district, and any assets or liabilities held by the union high school district shall be transferred to the modified union school district; and

(2) dissolve the elementary school districts that voted in favor of establishing the unified union school district, and any assets or liabilities they hold as individual districts shall be transferred to the modified union school district.

(c) Notwithstanding provisions of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act to the contrary, the modified union school district is eligible for the incentives provided to a regional education district (“RED”) in Sec. 4 of that act, provided that the effective date of the merger into the modified union school district is within the period required for RED formation.

(d) This section is repealed on July 1, 2017.

Which was agreed to.

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

By adding a new section to be Sec. 19b to read:

Sec. 19b. 16 V.S.A. § 4001(6)(B)(viii) is added to read:

(viii) For a regional education district formed pursuant to the provisions of Sec. 3 of No. 153 of the Acts of the 2009 Adj. Sess. (2010), as amended from time to time, that provides for the education of resident pupils in one or more grades by paying tuition and does not maintain a school that includes the grade or grades:

(I) a budget deficit under the terms set forth in subdivision (vi) of this subdivision (6)(B); or

(II) unexpected tuition costs under the terms set forth in subdivision (vii) of this subdivision (6)(B).

Which was agreed to.

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

**Third Reading; Bill Passed**

**H. 760**

House bill, entitled

An act relating to lowering to 16 the age of consent for blood donation

Was taken up, read the third time and passed.

**Bill Read Second Time; Third Reading Ordered**

**H. 761**

**Rep. Branagan of Georgia** spoke for the committee on Ways and Means.

House bill entitled

An act relating to executive branch fees, including motor vehicle and fish and wildlife fees

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

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

By striking Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read:

Sec. 2. 26 V.S.A. § 3178a is amended to read:

§ 3178a. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- 
- (1) Application for agency license:
- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| (A) Investigative agency          | <del>\$270.00</del> <u>\$340.00</u> |
| (B) Security agency               | <del>\$270.00</del> <u>\$340.00</u> |
| (C) Investigative/security agency | <del>\$320.00</del> <u>\$400.00</u> |
| (D) <u>Sole proprietor</u>        | <u>\$250.00</u>                     |
- (2) Application for individual license:
- |                      |                                     |
|----------------------|-------------------------------------|
| (A) Unarmed licensee | <del>\$130.00</del> <u>\$150.00</u> |
| (B) Armed licensee   | <del>\$180.00</del> <u>\$200.00</u> |
- (3) Application for employee registration:
- |                         |                                     |
|-------------------------|-------------------------------------|
| (A) Unarmed registrants | <del>\$ 50.00</del> <u>\$60.00</u>  |
| (B) Armed registrants   | <del>\$100.00</del> <u>\$120.00</u> |
| (C) Transitory permits  | <del>\$ 50.00</del> <u>\$60.00</u>  |
- (4) Biennial renewal:
- |  |                                     |
|--|-------------------------------------|
| (A) Investigative agency                   | <del>\$275.00</del> <u>\$300.00</u> |
| (B) Security agency                        | <del>\$275.00</del> <u>\$300.00</u> |
| (C) Investigative/security agency          | <del>\$275.00</del> <u>\$300.00</u> |
| (D) Unarmed licensee                       | <del>\$100.00</del> <u>\$120.00</u> |
| (E) Armed licensee                         | <del>\$150.00</del> <u>\$180.00</u> |
| (F) Unarmed registrants (agency employees) | \$ 80.00                            |
| (G) Armed registrants (agency employees)   | \$130.00                            |
| (H) <u>Sole proprietor</u>                 | <u>\$250.00</u>                     |
- (5) Instructor licensure:
- |                               |                                     |
|-------------------------------|-------------------------------------|
| (A) Application for licensure | <del>\$100.00</del> <u>\$120.00</u> |
| (B) Biennial renewal          | <del>\$150.00</del> <u>\$180.00</u> |

(6) A sole proprietor of an investigative agency or security agency shall ~~be required to apply for agency licensure and renewal but shall not be required to pay the fees for agency licensure or renewal~~ only pay the sole proprietor fees pursuant to this section.

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

**Adjournment**

At two o'clock and thirty 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.