

Journal of the House

Wednesday, March 21, 2012

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

Devotional Exercises

Devotional exercises were conducted by Julia Shipley, a writer, teacher and subsistence farmer from Craftsbury, VT.

Senate Bills Referred

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

S. 226

Senate bill, entitled

An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction;

To the committee on Judiciary.

S. 239

Senate bill, entitled

An act relating to ensuring the humane treatment and slaughter of animals;

To the committee on Agriculture.

S. 244

Senate bill, entitled

An act relating to referral to court diversion for driving with a suspended license;

To the committee on Judiciary.

Bills Referred to Committee on Ways and Means

House bills of the following titles, appearing on the Calendar, affecting the revenue of the state, under the rule, were referred to the Committee on Ways and Means:

H. 773

House bill, entitled

An act relating to veterans' tax exemption

H. 774

House bill, entitled

An act relating to meat inspection, delivery of liquid fuels, dairy operations, and animal foot baths

Bill Referred to Committee on Appropriations

H. 780

House bill, entitled

An act relating to compensation for certain state employees

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Joint Resolution Adopted in Concurrence

J.R.S. 51

By Senators Carris and Mullin,

J.R.S. 51. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday, March 22, 2012, or, Friday, March 23, 2012, it be to meet again no later than Tuesday, March 27, 2012.

Was taken up read and adopted in concurrence.

Rules Suspended; Action on Bill Postponed

H. 776

On motion of **Rep. Crawford of Burke**, the rules were suspended and House bill, entitled

An act relating to encouraging flexible pathways leading to secondary school completion and career and college readiness

Appearing on the Calendar for notice, was taken up for immediate consideration.

Pending second reading of the bill, on motion of **Rep. Crawford of Burke**, action on the bill was postponed until Tuesday, March 27, 2012.

Favorable Report; Third Reading Ordered

H. 467

Rep. Strong of Albany, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to limited liability for a landowner who permits a person to enter the owner's land for recreational use

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

Senate Proposal of Amendment Concurred in

H. 512

The Senate proposed to the House to amend House bill, entitled

An act relating to banking, insurance, securities, and health care administration

By striking Sec. 41 in its entirety and inserting in lieu thereof a new Sec. 41 to read as follows:

Sec. 41. 8 V.S.A. § 6052(b) is amended to read:

(b) Before it may offer insurance in any state, each risk retention group shall also submit for approval to the insurance commissioner of this state a plan of operation and feasibility study which includes a description of the coverages, deductibles, coverage limits, rates, and rating classification systems for each line of insurance the group intends to offer, together with such additional information as the commissioner may reasonably require. In considering and approving the risk retention group's plan of operation and any subsequent amendments thereto, the commissioner may limit the net amount of risk retained by a risk retention group. The risk retention group shall submit for approval by the commissioner an appropriate revision in the event of any subsequent material change in any item of the plan of operation or feasibility study, including any material change in the information called for in subsection (c) of this section, but excluding the identity of policyholders and any changes in rates or rating classification systems. The group shall not offer any additional kinds of liability insurance, in this state or in any other state, until a revision of such plan or study is approved by the commissioner. The risk retention group shall inform the commissioner of any material changes in rates or rating classification systems, within 30 days of the adoption of such change.

Which proposal of amendment was considered and concurred in.

Third Reading; Bill Passed

H. 745

House bill, entitled

An act relating to the Vermont prescription monitoring system
Was taken up, read the third time and passed.

Bill Amended; Third Reading Ordered

H. 440

Rep. Donovan of Burlington, for the committee on Education, to which had been referred House bill, entitled

An act relating to creating an agency and secretary of education and amending the membership and purpose of the state board of education

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

TO THE HOUSE OF REPRESENTATIVES:

The Committee on Education to which was referred House Bill No. 440 entitled "An act relating to creating an agency and secretary of education and amending the membership and purpose of the state board of education" respectfully reports that it has considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. chapter 49 is added to read:

CHAPTER 49. EDUCATION

§ 2701. AGENCY AND SECRETARY CREATED

There is created an agency of education that shall be under the direction and supervision of a secretary of education.

§ 2702. SECRETARY OF EDUCATION

(a) With the advice and consent of the senate, the governor shall appoint a secretary of education from among no fewer than three candidates proposed by the state board of education.

(b) The secretary shall report directly to the governor and shall be a member of the governor's cabinet.

(c) At the time of appointment, the secretary shall have expertise in public education management and policy and demonstrated leadership and management abilities.

Sec. 2. 16 V.S.A. § 161 is amended to read:

§ 161. STATE BOARD OF EDUCATION; APPOINTMENT OF MEMBERS; TERM; VACANCY

The state board shall consist of ten members. Two of the members shall be secondary students, one of whom shall be a full member and the other of whom shall be a junior member who may not vote. All members shall be appointed by the governor with the advice and consent of the senate. In the appointment of the nonstudent members consideration, priority shall be given to the selection of such persons as shall adequately represent all sections of the state with a demonstrated commitment to public education. To the extent possible, the members shall represent geographically diverse areas of the state.

(1) Upon the expiration of the respective terms of those members of the board previously appointed, excluding the student members, the governor shall, biennially in the month of February with the advice and consent of the senate, appoint members ~~thereto~~ for terms of ~~six~~ three years. The terms shall begin March 1 of the year in which the appointments are made. ~~A member serving a term of six years shall not be eligible for reappointment for successive terms~~ A nonstudent member is eligible for reappointment provided that the total number of years to be served will not exceed nine years.

* * *

Sec. 3. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD, GENERAL POWERS AND DUTIES

The state board shall ~~have supervision over, and management of the department of education and the public school system, except as otherwise provided; and shall~~ review and evaluate education policy presented by the governor and secretary, establish policies to guide the work of the agency, and engage local school board members and the broader education community. In addition to other specified duties, the board shall:

* * *

(4) ~~Biennially or as required by the governor cause to be prepared a budget for all money to be expended by the department of education~~ Guide preparation of and submit an agency budget to the governor.

* * *

(10) ~~Establish an information clearinghouse and accessible database to help districts share information about educational programs and practices which improve student performance. Educational programs and practices include those designed to create and sustain a safe learning environment.~~ [Repealed.]

* * *

~~(19) Develop, in consultation with the secretary of state, and make available to school boards, sample ballot language for items which may be voted on by Australian ballot and for which no statutory language exists. [Repealed.]~~

* * *

(21) Report annually to the governor and the general assembly on the progress the board has made in establishing policies to guide the work of the agency and engaging the citizens of Vermont.

(22) Work with the secretary and agency to ensure that a new member of the board receives orientation within 60 days of appointment regarding essential elements of Vermont's education system, including an overview of education funding; school quality standards; the prekindergarten-16 continuum; the structure of education delivery, including the role of local boards and locally appointed administrators; student performance on standardized assessments; and policies governing the agency, including indicators to monitor progress and ensure accountability.

Sec. 4. 16 V.S.A. § 212(18) and (19) are added to read:

(18) Establish an information clearinghouse and accessible database to help districts share information about educational programs and practices that improve student performance. Educational programs and practices include those designed to create and sustain a safe learning environment.

(19) Develop, in consultation with the secretary of state, and make available to school boards sample ballot language for issues that may be decided by Australian ballot and for which no statutory language exists.

Sec. 5. REPEAL

16 V.S.A. § 211 (appointment of commissioner by board of education; commissioner's reports to board) is repealed.

* * * Transition * * *

Sec. 6. STATE BOARD OF EDUCATION; MEMBERSHIP;
APPOINTMENT

(a) Notwithstanding the provisions of 16 V.S.A. § 161 as amended by Sec. 2 of this act, the term of any nonstudent member of the state board of education who was appointed and is a member before March 1, 2013 shall

expire at the end of the original six-year term to which the member was appointed.

(b) The governor shall appoint new members pursuant to the terms of 16 V.S.A. § 161 as amended by this act upon the expiration of a term or a vacancy occurring on or after March 1, 2013.

Sec. 7. AGENCY OF EDUCATION; SECRETARY OF EDUCATION;
POWERS AND DUTIES

On March 1, 2013:

(1) the secretary of education shall assume all the powers, duties, rights, and responsibilities of the commissioner of education; and

(2) the agency of education shall assume all the powers, duties, rights, and responsibilities of the department of education.

Sec. 8. LEGISLATIVE COUNCIL; PREPARATION OF A DRAFT BILL

On or before January 15, 2013, the legislative council shall prepare and submit a draft bill to the house and senate committees on education that makes statutory amendments of a technical nature and identifies all statutory sections that the general assembly must amend substantively to effect the intent of this act.

Sec. 9. EFFECTIVE DATES

(a) This section and Secs. 6 through 8 (transitional provisions) of this act shall take effect on passage.

(b) Secs. 1–5 of this act shall take effect on February 1, 2013.

and that after passage the title of the bill be amended to read: “An act relating to creating an agency and secretary of education and clarifying the purpose of the state board of education”

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 Education? **Rep. Donaghy of Poultney** 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 the Committee on Education? was decided in the affirmative. Yeas, 114. Nays, 17.

Those who voted in the affirmative are:

Acinapura of Brandon
Ancel of Calais

Andrews of Rutland City
Aswad of Burlington

Atkins of Winooski
Bartholomew of Hartland

Batchelor of Derby	Greshin of Warren	McNeil of Rutland Town
Bissonnette of Winooski	Head of South Burlington	Mrowicki of Putney
Botzow of Pownal	Hebert of Vernon	Munger of South Burlington
Bouchard of Colchester	Helm of Fair Haven	Myers of Essex
Branagan of Georgia	Hooper of Montpelier	Nuovo of Middlebury
Brennan of Colchester	Howard of Cambridge	O'Sullivan of Burlington
Browning of Arlington	Howrigan of Fairfield	Partridge of Windham
Burke of Brattleboro	Hubert of Milton	Pearce of Richford
Buxton of Tunbridge	Jerman of Essex	Peaslee of Guildhall
Campion of Bennington	Jewett of Ripton	Peltz of Woodbury
Canfield of Fair Haven	Johnson of South Hero	Perley of Enosburgh
Cheney of Norwich	Johnson of Canaan	Poirier of Barre City
Christie of Hartford *	Kitzmiller of Montpelier	Potter of Clarendon
Clark of Vergennes	Klein of East Montpelier	Pugh of South Burlington
Clarkson of Woodstock	Koch of Barre Town	Ralston of Middlebury
Condon of Colchester	Komline of Dorset	Ram of Burlington
Consejo of Sheldon	Krebs of South Hero	Reis of St. Johnsbury
Corcoran of Bennington	Krowinski of Burlington	Russell of Rutland City
Courcelle of Rutland City	Kupersmith of South	Savage of Swanton
Crawford of Burke	Burlington	Scheuermann of Stowe
Dakin of Chester	Lanpher of Vergennes	Shand of Weathersfield
Deen of Westminster	Larocque of Barnet	Sharpe of Bristol
Degree of St. Albans City	Lawrence of Lyndon	Shaw of Pittsford
Devereux of Mount Holly	Lenes of Shelburne	Smith of New Haven
Dickinson of St. Albans	Leriche of Hardwick	Strong of Albany
Town	Lewis of Berlin	Stuart of Brattleboro
Donaghy of Poultney	Lewis of Derby	Taylor of Barre City
Donahue of Northfield	Lippert of Hinesburg	Turner of Milton
Donovan of Burlington	Macaig of Williston	Webb of Shelburne
Eckhardt of Chittenden	Malcolm of Pawlet	Wilson of Manchester
Edwards of Brattleboro	Marcotte of Coventry	Winters of Williamstown
Emmons of Springfield	Marek of Newfane	Wizowaty of Burlington
Fagan of Rutland City *	Martin of Springfield	Wright of Burlington *
Frank of Underhill	Martin of Wolcott	Yantachka of Charlotte
French of Shrewsbury	Masland of Thetford	Young of Glover
Gilbert of Fairfax	McCullough of Williston	Zagar of Barnard
Grad of Moretown	McFaun of Barre Town	

Those who voted in the negative are:

Conquest of Newbury	Kilmartin of Newport City *	Stevens of Shoreham
Davis of Washington	Manwaring of Wilmington	Till of Jericho
Evans of Essex	Mook of Bennington	Toll of Danville
French of Randolph	Moran of Wardsboro	Townsend of Randolph
Heath of Westford	Olsen of Jamaica	Waite-Simpson of Essex
Keenan of St. Albans City	Pearson of Burlington	

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

Bohi of Hartford	Copeland-Hanzas of	Ellis of Waterbury
Burditt of West Rutland	Bradford	Fisher of Lincoln

Haas of Rochester	Morrissey of Bennington	Sweaney of Windsor
Higley of Lowell	O'Brien of Richmond	Trieber of Rockingham
Lorber of Burlington	South of St. Johnsbury	Woodward of Johnson
McAllister of Highgate	Spengler of Colchester	
Miller of Shaftsbury	Stevens of Waterbury	

Rep. Christie of Hartford explained his vote as follows:

“Mr. Speaker:

I started working with our Vermont children in 1980, at that time our Department of Education was a vibrant resource to this evolving educator. As I progressed through my career as a coach, teacher, school administrator, therapeutic case manager, school board member and school board chair, our Vermont Department of Education has been reduced to a much less responsive resource to the children and educators of Vermont.

From the year 2000 to the present, the Department has been cut by 47 positions, a 24% reduction.

We all have to do more with less, yet my contention is that no Governor, who had full responsibility for education in Vermont, would have allowed the Department to come to the less supportive level it is now. That is why I voted ‘yes’ today on H. 440.”

Rep. Fagan of Rutland City explained his vote as follows:

“Mr. Speaker:

I support this bill with the hope that because the Governor shall appoint a Secretary of Education perhaps he shall stop raiding the Education Fund to fund other purposes.”

Rep. Kilmartin of Newport City explained his vote as follows:

“Mr. Speaker:

I vote ‘no’. This bill makes our children’s education subject to the worst and most destructive aspects of partisan politics and ideological agendas that cut to the heart of parental rights and obligations and the rights of our young people to be free of political indoctrination. It creates instability, insecurity and removes the ‘checks and balances’ of our current system. A very bad piece of legislation!”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

I supported this idea under the previous Governor when the proposal did not have sufficient support to make it out of committee. Despite legitimate concerns, on balance it was a good idea then and remains a good idea now.”

Thereupon, third reading was ordered.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 78

House bill, entitled
An act relating to wages for laid-off employees

H. 157

House bill, entitled
An act relating to restrictions on tanning beds

H. 412

House bill, entitled
An act relating to harassment and bullying in educational settings

H. 459

House bill, entitled
An act relating to approval of amendments to the charter of the town of Brattleboro

Bill Amended, Read Third Time and Passed

H. 468

House bill, entitled
An act relating to a renewable portfolio standard and the Sustainably Priced Energy Enterprise Development Program

Was taken up and pending third reading of the bill, **Reps. Browning of Arlington, Komline of Dorset, Pearson of Burlington and Poirier of Barre City** moved to amend the bill as follows:

First: By adding Sec. 16a to read as follows:

Sec. 16a. WINDFALL SHARING MECHANISM; PAYBACK

(a) The public service board may not approve the acquisition of one electric company by another or the merger of multiple electric companies unless, as a condition of such acquisition or merger, there will be a direct cash repayment

to current ratepayers, based on their rate class, of the full amount of funds subject to any windfall sharing mechanism previously established by the board that is applicable to the electric company to be acquired or to one or more of the merging electric companies,

(b) Notwithstanding 1 V.S.A. §§ 213 and 214, subsection (a) of this section shall apply to all petitions filed with the public service board on or after September 1, 2011.

Second: In Sec. 17, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) This section and Secs. 1 (renewable energy chapter; goals), 2 (renewable energy chapter; definitions), 3 (renewable portfolio standards), 4 (SPEED; total renewables targets); 5 (SPEED; standard offer program), 6 (standard offer; prior capacity; interconnection application), 14 (total energy; report) and 16a (windfall sharing mechanism; payback of this act shall take effect on passage.

Thereupon, **Rep. Deen of Westminster** raised a Point of Order that the amendment was not germane to the bill, which Point of Order the Speaker ruled well taken.

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

In Sec. 7, 30 V.S.A. § 8005b (renewable energy programs; biennial report), in subsection (b), after subdivision (7), by inserting a new subdivision to be numbered (8) to read:

(8) An assessment of whether strict compliance with the requirements of section 8004 (renewable portfolio standards) or 8005a (SPEED program; standard offer) of this title will cause one or more retail electricity providers to incur unexpected costs that will impair the provider's ability to meet the public's need for energy services in the manner set forth under section 218c of this title (least-cost integrated planning) and, if so, whether statutory changes should be made to grant providers additional flexibility in meeting one or more of those requirements.

and by renumbering subdivision (8) to be subdivision (9)

Pending the question, Shall the bill be amended as offered by Rep. Jerman of Essex? **Rep. Evans of Essex** 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 offered by Rep. Jerman of Essex? was decided in the affirmative. Yeas, 135. Nays, 2.

Those who voted in the affirmative are:

Acinapura of Brandon	French of Randolph	Munger of South Burlington
Ancel of Calais	Gilbert of Fairfax	Myers of Essex
Andrews of Rutland City	Grad of Moretown	Nuovo of Middlebury
Atkins of Winooski	Greshin of Warren	O'Brien of Richmond
Bartholomew of Hartland	Head of South Burlington	Olsen of Jamaica
Batchelor of Derby	Heath of Westford	O'Sullivan of Burlington
Bissonnette of Winooski	Hebert of Vernon	Partridge of Windham
Bohi of Hartford	Helm of Fair Haven	Pearce of Richford
Botzow of Pownal	Hooper of Montpelier	Pearson of Burlington
Bouchard of Colchester	Howard of Cambridge	Peaslee of Guildhall
Branagan of Georgia	Hubert of Milton	Peltz of Woodbury
Brennan of Colchester	Jerman of Essex	Perley of Enosburgh
Browning of Arlington	Jewett of Ripton	Poirier of Barre City
Burke of Brattleboro	Johnson of South Hero	Potter of Clarendon
Buxton of Tunbridge	Johnson of Canaan	Pugh of South Burlington
Campion of Bennington	Keenan of St. Albans City	Ralston of Middlebury
Canfield of Fair Haven	Kilmartin of Newport City	Ram of Burlington
Cheney of Norwich	Kitzmiller of Montpelier	Reis of St. Johnsbury
Christie of Hartford	Klein of East Montpelier	Russell of Rutland City
Clark of Vergennes	Koch of Barre Town	Savage of Swanton
Clarkson of Woodstock	Komline of Dorset	Scheuermann of Stowe
Condon of Colchester	Krebs of South Hero	Shand of Weathersfield
Conquest of Newbury	Krowinski of Burlington	Sharpe of Bristol
Consejo of Sheldon	Kupersmith of South Burlington	Shaw of Pittsford
Copeland-Hanzas of Bradford	Lanpher of Vergennes	Smith of New Haven
Corcoran of Bennington	Larocque of Barnet	South of St. Johnsbury
Courcelle of Rutland City	Lawrence of Lyndon	Stevens of Waterbury
Crawford of Burke	Lenes of Shelburne	Stevens of Shoreham
Dakin of Chester	Leriche of Hardwick	Strong of Albany
Deen of Westminster	Lewis of Derby	Stuart of Brattleboro
Degree of St. Albans City	Lippert of Hinesburg	Sweaney of Windsor
Devereux of Mount Holly	Macaig of Williston	Taylor of Barre City
Dickinson of St. Albans Town	Malcolm of Pawlet	Till of Jericho
Donaghy of Poultney	Manwaring of Wilmington	Toll of Danville
Donahue of Northfield	Marcotte of Coventry	Townsend of Randolph
Donovan of Burlington	Marek of Newfane	Turner of Milton
Eckhardt of Chittenden	Martin of Springfield	Waite-Simpson of Essex
Edwards of Brattleboro	Martin of Wolcott	Webb of Shelburne
Emmons of Springfield	Masland of Thetford	Wilson of Manchester
Evans of Essex	McCullough of Williston	Winters of Williamstown
Fagan of Rutland City	McFaun of Barre Town	Wizowaty of Burlington
Fisher of Lincoln	McNeil of Rutland Town	Woodward of Johnson
Frank of Underhill	Mook of Bennington	Wright of Burlington
French of Shrewsbury	Moran of Wardsboro	Yantachka of Charlotte
	Mrowicki of Putney	Young of Glover
		Zagar of Barnard

Those who voted in the negative are:

Howrigan of Fairfield	Lewis of Berlin
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Those members absent with leave of the House and not voting are:

Aswad of Burlington
Burditt of West Rutland
Davis of Washington
Ellis of Waterbury

Haas of Rochester
Higley of Lowell
Lorber of Burlington
McAllister of Highgate

Miller of Shaftsbury
Morrissey of Bennington
Spengler of Colchester
Trieber of Rockingham

Pending the question, Shall the bill pass? **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 pass? was decided in the affirmative. Yeas, 91. Nays, 46.

Those who voted in the affirmative are:

Ancel of Calais
Andrews of Rutland City
Atkins of Winooski
Bartholomew of Hartland
Bissonnette of Winooski
Bohi of Hartford
Botzow of Pownal
Burke of Brattleboro
Buxton of Tunbridge
Campion of Bennington
Canfield of Fair Haven
Cheney of Norwich
Christie of Hartford
Clarkson of Woodstock
Conquest of Newbury
Copeland-Hanzas of Bradford
Corcoran of Bennington
Courcelle of Rutland City
Dakin of Chester
Deen of Westminster
Donovan of Burlington
Edwards of Brattleboro
Emmons of Springfield
Evans of Essex
Fisher of Lincoln
Frank of Underhill
French of Shrewsbury
French of Randolph
Gilbert of Fairfax
Grad of Moretown

Head of South Burlington
Heath of Westford
Helm of Fair Haven
Hooper of Montpelier
Howard of Cambridge
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City
Kitzmiller of Montpelier
Klein of East Montpelier
Krebs of South Hero
Krowinski of Burlington
Kupersmith of South Burlington
Lanpher of Vergennes
Larocque of Barnet
Lenes of Shelburne
Leriche of Hardwick
Lippert of Hinesburg
Macaig of Williston
Malcolm of Pawlet
Manwaring of Wilmington
Marek of Newfane
Martin of Springfield
Martin of Wolcott
Masland of Thetford
McCullough of Williston
Mook of Bennington
Moran of Wardsboro
Mrowicki of Putney

Munger of South Burlington
Nuovo of Middlebury
O'Brien of Richmond
O'Sullivan of Burlington
Partridge of Windham
Pearson of Burlington
Peaslee of Guildhall
Peltz of Woodbury
Poirier of Barre City
Potter of Clarendon
Pugh of South Burlington
Ralston of Middlebury
Ram of Burlington
Russell of Rutland City
Shand of Weathersfield
Sharpe of Bristol
Stevens of Waterbury
Stevens of Shoreham
Stuart of Brattleboro
Sweaney of Windsor
Taylor of Barre City
Till of Jericho
Toll of Danville
Townsend of Randolph
Waite-Simpson of Essex
Webb of Shelburne
Wilson of Manchester
Wizowaty of Burlington
Wright of Burlington
Yantachka of Charlotte
Zagar of Barnard

Those who voted in the negative are:

Acinapura of Brandon
Batchelor of Derby
Bouchard of Colchester
Branagan of Georgia
Brennan of Colchester

Browning of Arlington
Clark of Vergennes
Condon of Colchester
Consejo of Sheldon
Crawford of Burke

Degree of St. Albans City
Devereux of Mount Holly
Dickinson of St. Albans Town
Donaghy of Poultney

Donahue of Northfield	Lawrence of Lyndon	Savage of Swanton
Eckhardt of Chittenden	Lewis of Berlin	Scheuermann of Stowe
Fagan of Rutland City	Lewis of Derby	Shaw of Pittsford
Greshin of Warren	Marcotte of Coventry	Smith of New Haven
Hebert of Vernon	McFaun of Barre Town	South of St. Johnsbury
Howrigan of Fairfield	McNeil of Rutland Town	Strong of Albany
Hubert of Milton	Myers of Essex *	Turner of Milton
Johnson of Canaan	Olsen of Jamaica	Winters of Williamstown
Kilmartin of Newport City *	Pearce of Richford	Woodward of Johnson
Koch of Barre Town	Perley of Enosburgh	Young of Glover
Komline of Dorset	Reis of St. Johnsbury	

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

Aswad of Burlington	Haas of Rochester	Miller of Shaftsbury
Burditt of West Rutland	Higley of Lowell	Morrissey of Bennington
Davis of Washington	Lorber of Burlington	Spengler of Colchester
Ellis of Waterbury	McAllister of Highgate	Trieber of Rockingham

Rep. Marek explained his vote as follows:

“Mr. Speaker:

This bill represents another major step toward Vermont’s responsibly facing the problem of global warming and creating a future based on renewables rather than foreign oil. Vermont values were well served by its approval by such a strong majority.”

Rep. Myers of Essex explained her vote as follows:

“Mr. Speaker:

I voted no on this bill yesterday and I voted no today. I will always vote no on any bill that would adversely affect a major employer in my community.”

Rep. Kilmartin of Newport City explained his vote as follows:

“Mr. Speaker:

This bill partakes of a ‘flat earth mentality’. It ignores and precludes innovation. It puts the pedal to the metal of that big boat of a convertible in the last scene of *Thelma and Louise*.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

Employers and employees across Vermont have written to express their concerns about H.468 which will increase renewable energy mandates on Vermont utilities through a Renewable Portfolio Standard (RPS) and related mechanisms.

H.468 has been advanced with the stated goals of reducing greenhouse gas emissions and promoting the renewable energy sectors in Vermont's economy. However, these otherwise laudable goals do not justify the costs entailed for Vermont employers and the economy as a whole. We believe that these goals can be achieved in a more cost effective manner.

Electricity costs, reliability, and quality are critical concerns for Vermont employers, especially high value employers who tend to be energy intensive. Average electric costs in Vermont for commercial and industrial customers have run 30% to 40% higher than the average in the other lower 48 states against which we compete for jobs, investment, and markets. Our rates are already increasing owing to factors including existing renewable energy mandates, the loss of Vermont Yankee power contracts, and looming regional reliability projects. Additional rate increases owing to new renewable energy mandates, particularly those that focus on smaller scale, less cost-effective and reliable generators, would exacerbate these increases.

Vermont already has one of the cleanest electric portfolios in the country and more dependence on renewable energy than other states with an RPS are seeking to reach. Vermont utilities have pointed to existing regulatory requirements and market expectations to support the conclusion that Vermont's dependence on renewable energy is unlikely to decline in any meaningful way going forward, even if no further renewable mandates are enacted.

Passing H.468 commits Vermont to a twenty-year policy that would lock us into even higher electric rates with only a very modest impact on greenhouse gas emissions, which on balance is not in the best interest of Vermont companies and working Vermonters and their families. Vermont can better promote our renewable energy sector through other economic development policies that could in fact benefit Vermont companies more broadly and we can have a more cost-effective impact on our greenhouse gas emissions by looking to sources outside our electric portfolio."

Thereupon, the bill was read the third time.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 484

House bill, entitled

An act relating to amendment to the Windham solid waste district charter

H. 498

House bill, entitled

An act relating to parity for primary mental health care services

H. 550

House bill, entitled

An act relating to the Vermont administrative procedure act

H. 627

House bill, entitled

An act relating to an opiate addiction treatment system

H. 640

House bill, entitled

An act relating to promoting tourism and marketing

H. 691

House bill, entitled

An act relating to prohibiting collusion as an antitrust violation

Bill Amended, Read Third Time and Passed

H. 699

House bill, entitled

An act relating to scrap metal processors

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

First: In Sec. 1, by striking 9 V.S.A. § 3022 in its entirety and inserting in lieu thereof a new section 3022 to read:

§ 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES,
AND PROPRIETARY ARTICLES

(a) A scrap metal processor may purchase nonferrous scrap, metal articles, and proprietary articles directly from an authorized scrap metal seller or the seller's authorized agent or employee.

(b) A scrap metal processor may purchase nonferrous scrap, metal articles, and proprietary articles from a person who is not an authorized scrap metal seller or the seller's authorized agent or employee, ~~provided only if~~ the scrap processor complies with all the following procedures:

(1) At the time of sale;

(A) ~~requires~~ Requires the seller to provide a current government-issued photographic identification that indicates the seller's full

name, current address, and date of birth, and records in a permanent ledger the identification information of the seller, the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller. ~~This information shall be retained for at least five years at the processor's normal place of business or other readily accessible and secure location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the scrap metal processor's business location during regular business hours.~~

~~(2)(B)~~ Requests and, if available, collects documentation from the seller of the items offered for sale, such as a bill of sale, receipt, letter of authorization, or similar evidence that establishes that the seller lawfully owns the items to be sold.

~~(3)(2)~~ After purchasing an item from a person who fails to provide documentation pursuant to subdivision ~~(2)(1)(B)~~ of this subsection ~~(b) of this section~~;

~~(A) submits~~ Submits to the ~~local law enforcement agency~~ department of public safety no later than the close of the following business day a report that describes the item and the seller's identifying information required in subdivision ~~(1)(A)~~ of this subsection, ~~and~~.

~~(B) holds~~ Holds the proprietary article for at least 15 days following purchase.

~~(c) The information collected by a scrap metal processor pursuant to this section shall be retained for at least five years at the processor's normal place of business or other readily accessible and secure location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the scrap metal processor's business location during regular business hours.~~

Second: In Sec. 2, in subdivision (1), by striking "~~(b)(3)~~" and inserting in lieu thereof "(b)(2)(A)"

and that when so amended the bill ought to pass

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 730

House bill, entitled
An act relating to miscellaneous consumer protection laws

H. 747

House bill, entitled
An act relating to cigarette manufacturers

H. 751

House bill, entitled
An act relating to jurisdiction of delinquency proceedings

H. 759

House bill, entitled
An act relating to permitting the use of secure residential recovery facilities for continued involuntary treatment

H. 768

House bill, entitled
An act relating to ignition interlock restricted driver's licenses and civil suspensions

Third Reading; Bill Passed**H. 769**

House bill, entitled
An act relating to department of environmental conservation fees
Was taken up.

Pending the question, Shall the bill pass? **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 pass? was decided in the affirmative. Yeas, 86. Nays, 47.

Those who voted in the affirmative are:

Ancel of Calais	Cheney of Norwich	Courcelle of Rutland City
Atkins of Winooski	Christie of Hartford	Dakin of Chester
Bartholomew of Hartland	Clarkson of Woodstock	Davis of Washington
Bissonnette of Winooski	Condon of Colchester	Deen of Westminster
Bohi of Hartford	Conquest of Newbury	Donahue of Northfield
Botzow of Pownal	Consejo of Sheldon	Donovan of Burlington
Burke of Brattleboro	Copeland-Hanzas of	Edwards of Brattleboro
Buxton of Tunbridge	Bradford	Ellis of Waterbury
Campion of Bennington	Corcoran of Bennington	Emmons of Springfield

Evans of Essex	Lippert of Hinesburg	Ralston of Middlebury
Frank of Underhill	Macaig of Williston	Ram of Burlington
French of Shrewsbury	Malcolm of Pawlet	Russell of Rutland City
French of Randolph	Manwaring of Wilmington	Shand of Weathersfield
Gilbert of Fairfax	Marek of Newfane	Sharpe of Bristol
Grad of Moretown	Martin of Springfield	South of St. Johnsbury
Head of South Burlington	Martin of Wolcott	Stevens of Waterbury
Heath of Westford	Masland of Thetford	Stuart of Brattleboro
Hooper of Montpelier	McCullough of Williston	Sweaney of Windsor
Jerman of Essex	Mook of Bennington	Taylor of Barre City
Jewett of Ripton	Moran of Wardsboro	Till of Jericho
Johnson of South Hero	Mrowicki of Putney	Toll of Danville
Keenan of St. Albans City	Munger of South Burlington	Waite-Simpson of Essex
Kitzmiller of Montpelier	Nuovo of Middlebury	Webb of Shelburne
Klein of East Montpelier	O'Brien of Richmond	Wilson of Manchester
Krowinski of Burlington	O'Sullivan of Burlington	Wizowaty of Burlington
Kupersmith of South Burlington	Partridge of Windham	Woodward of Johnson
Lanpher of Vergennes	Peltz of Woodbury	Yantachka of Charlotte
Lenes of Shelburne	Poirier of Barre City	Young of Glover
Leriche of Hardwick	Potter of Clarendon	
	Pugh of South Burlington	

Those who voted in the negative are:

Acinapura of Brandon	Greshin of Warren	McFaun of Barre Town
Andrews of Rutland City	Hebert of Vernon	McNeil of Rutland Town
Batchelor of Derby	Helm of Fair Haven	Myers of Essex
Bouchard of Colchester	Howard of Cambridge	Pearce of Richford
Branagan of Georgia	Howrigan of Fairfield	Peaslee of Guildhall
Brennan of Colchester	Hubert of Milton	Perley of Enosburgh
Browning of Arlington	Johnson of Canaan	Reis of St. Johnsbury
Canfield of Fair Haven	Kilmartin of Newport City	Savage of Swanton
Crawford of Burke	Koch of Barre Town	Scheuermann of Stowe
Degree of St. Albans City	Krebs of South Hero	Shaw of Pittsford
Devereux of Mount Holly	Larocque of Barnet	Smith of New Haven
Dickinson of St. Albans Town	Lawrence of Lyndon	Strong of Albany
Donaghy of Poultney	Lewis of Berlin	Townsend of Randolph
Eckhardt of Chittenden	Lewis of Derby	Turner of Milton
Fagan of Rutland City	Marcotte of Coventry	Winters of Williamstown
	McAllister of Highgate	Wright of Burlington

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

Aswad of Burlington	Higley of Lowell	Olsen of Jamaica
Burditt of West Rutland	Komline of Dorset	Pearson of Burlington
Clark of Vergennes	Lorber of Burlington	Spengler of Colchester
Fisher of Lincoln	Miller of Shaftsbury	Stevens of Shoreham
Haas of Rochester	Morrissey of Bennington	Trieber of Rockingham

Zagar of Barnard

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 770

House bill, entitled

An act relating to the state's transportation program

H. 771

House bill, entitled

An act relating to making technical corrections and other miscellaneous changes to education law

H. 772

House bill, entitled

An act relating to allocation of federal rental subsidies

Message from the Senate No. 30

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. 106. An act relating to miscellaneous changes to municipal government law.

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

The Senate has considered joint resolutions originating in the House of the following titles:

J.R.H. 30. Joint resolution authorizing 2012 Green Mountain Girls' State to conduct a civic education program at the State House.

J.R.H. 31. Joint resolution urging Congress to designate March 29 as Vietnam Veterans Day.

And has adopted the same in concurrence.

Adjournment

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