

Journal of the House

Friday, March 23, 2012

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

Devotional Exercises

Devotional exercises were conducted by Lynn Bujnak, Conference minister, Vermont Conference of the United Church of Christ.

H. 784

By Reps. Winters of Williamstown and Davis of Washington,

House bill, entitled

An act relating to approval of the adoption and codification of the charter of the town of Williamstown;

To the committee on Government Operations.

Committee Bill Introduced

H. 785

Rep. Emmons of Springfield, for the committee on Corrections and Institutions, introduced a bill, entitled

An act relating to capital construction and state bonding budget adjustment

Which was read the first time and referred to the committee on Appropriations pursuant to rule 35a.

Senate Bills Referred

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

S. 148

Senate bill, entitled

An act relating to expediting development of small and micro hydroelectric projects;

To the committee on Fish, Wildlife & Water Resources.

S. 201

Senate bill, entitled

An act relating to creating full public school choice for high school students;

To the committee on Education.

Third Reading; Bills Passed

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

H. 613

House bill, entitled

An act relating to governance of the Community High School of Vermont

H. 778

House bill, entitled

An act relating to structured settlements

H. 779

House bill, entitled

An act relating to the water quality of state surface waters

Bill Read Third Time and Passed

H. 781

House bill, entitled

An act relating to making appropriations for the support of government

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

Sec. E.107 REIMBURSEMENT FOR GRIEVANCE HEARING

EXPENDITURES

(a) A unified town or gore shall be entitled to claim reimbursement for expenditures incurred in conducting grievance hearings if:

(1) the hearing was held between July 1, 2009 and February 23, 2011;

(2) the expenditures related to hiring a person or persons to participate in the grievance hearing; and

(3) the expenditures were necessary to comply with 32 V.S.A. § 4408.

(b) Claims shall be filed with the department of taxes within 60 days of the effective date of this act, with receipts or other documentation as the department may require.

Thereupon, **Rep. Johnson of Canaan** asked and was granted leave of the House to withdraw his amendment.

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

By adding Secs. E.100.1, E.100.2, and E.100.3 to read as follows:

Sec. E.100.1 POSITION CREATION PROHIBITION

No new position in state government shall be created during any time when vacant state government positions exceed five percent or more of the total number of positions.

Sec. E.100.2 32 V.S.A. § 306a is added to read:

§ 306a. POSITION EXPECTATION REPORT

Annually, at least one week prior to submission of the budget report required by section 306 of this title, the secretary of administration shall submit a position expectation report to the general assembly. The report shall include the secretary's expectations of the positions necessary for the operation of state government in the five succeeding fiscal years, and shall include those positions necessary to operate any future planned initiatives.

Sec. E.100.3 POSITION RESTRUCTURING; RETIRING PERSONNEL

The secretary of administration shall review vacancies caused by retiring personnel in order to identify opportunities for position restructuring or elimination, and shall report the results of this review to the general assembly on or before February 1, 2013 so that it may be considered for purposes of preparing the FY 2014 budget.

Thereupon, **Rep. Clark of Vergennes** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Toll of Danville** 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, 99. Nays, 41.

Those who voted in the affirmative are:

Ancel of Calais	Bohi of Hartford	Buxton of Tunbridge
Aswad of Burlington	Botzow of Pownal	Campion of Bennington
Atkins of Winooski	Branagan of Georgia *	Cheney of Norwich
Bartholomew of Hartland	Brennan of Colchester	Christie of Hartford
Bissonnette of Winooski	Burke of Brattleboro	Clarkson of Woodstock

Condon of Colchester	Johnson of South Hero	Poirier of Barre City
Conquest of Newbury	Keenan of St. Albans City	Potter of Clarendon
Consejo of Sheldon	Kitzmiller of Montpelier *	Pugh of South Burlington
Corcoran of Bennington	Klein of East Montpelier	Ralston of Middlebury
Courcelle of Rutland City	Krebs of South Hero	Ram of Burlington
Dakin of Chester	Krowinski of Burlington	Reis of St. Johnsbury
Davis of Washington	Kupersmith of South Burlington	Russell of Rutland City
Deen of Westminster	Lanpher of Vergennes	Shand of Weathersfield
Devereux of Mount Holly	Lenes of Shelburne	Sharpe of Bristol *
Donahue of Northfield	Leriche of Hardwick	South of St. Johnsbury
Donovan of Burlington	Lippert of Hinesburg	Spengler of Colchester
Edwards of Brattleboro	Lorber of Burlington	Stevens of Waterbury *
Ellis of Waterbury	Macaig of Williston	Stevens of Shoreham
Emmons of Springfield	Malcolm of Pawlet	Stuart of Brattleboro
Evans of Essex	Manwaring of Wilmington	Sweaney of Windsor
Fisher of Lincoln	Marek of Newfane	Taylor of Barre City
Frank of Underhill	Martin of Wolcott	Toll of Danville
French of Shrewsbury *	Masland of Thetford	Townsend of Randolph
French of Randolph	McCullough of Williston	Trieber of Rockingham
Gilbert of Fairfax	Miller of Shaftsbury	Waite-Simpson of Essex
Grad of Moretown	Mook of Bennington	Webb of Shelburne
Greshin of Warren	Mrowicki of Putney *	Wilson of Manchester
Haas of Rochester	Nuovo of Middlebury	Wizowaty of Burlington
Head of South Burlington	O'Brien of Richmond *	Woodward of Johnson
Heath of Westford	Olsen of Jamaica	Yantachka of Charlotte *
Hooper of Montpelier	O'Sullivan of Burlington	Young of Glover
Howrigan of Fairfield	Partridge of Windham	Zagar of Barnard
Jerman of Essex	Peltz of Woodbury	
Jewett of Ripton		

Those who voted in the negative are:

Acinapura of Brandon	Helm of Fair Haven	McNeil of Rutland Town
Batchelor of Derby	Higley of Lowell	Myers of Essex
Bouchard of Colchester	Hubert of Milton *	Pearce of Richford
Browning of Arlington	Johnson of Canaan	Pearson of Burlington
Burditt of West Rutland	Kilmartin of Newport City *	Peaslee of Guildhall
Canfield of Fair Haven	Koch of Barre Town	Perley of Enosburgh
Clark of Vergennes	Komline of Dorset	Savage of Swanton
Degree of St. Albans City *	Larocque of Barnet	Scheuermann of Stowe *
Dickinson of St. Albans Town	Lawrence of Lyndon	Shaw of Pittsford
Donaghy of Poultney	Lewis of Berlin	Smith of New Haven
Eckhardt of Chittenden	Lewis of Derby	Strong of Albany
Fagan of Rutland City	Marcotte of Coventry	Turner of Milton
Hebert of Vernon	McAllister of Highgate	Winters of Williamstown
	McFaun of Barre Town	Wright of Burlington

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

Andrews of Rutland City	Howard of Cambridge	Munger of South Burlington
Copeland-Hanzas of Bradford	Martin of Springfield	Till of Jericho
Crawford of Burke	Moran of Wardsboro	
	Morrissey of Bennington	

Rep. Branagan of Georgia explained her vote as follows:

“Mr. Speaker:

This budget does not raise taxes. It provides facilities for our state’s mental patients. It pays for transportation costs including local town highway increases, much needed for the Franklin County communities I represent. In addition the budget funds obligations within the pay act and the retirement funds. And it gets rid of the waterfall which I’ve never liked and uses unanticipated revenue to reduce property tax. Budget votes are never easy and budgets are never perfect but this one provides needed services and pays the bills in the process. I’m voting ‘yes’.”

Rep. Burditt of West Rutland explained his vote as follows:

“Mr. Speaker:

When does the higher cost of living generated by government stop?! We have legislated higher fees. . . .Higher energy costs. . . . Higher taxes. . . .And bigger more expensive government. . . .

I received a call today from a constituent stating the above. He asked me what the heck are we doing up here in Montpelier. Dave’s concern is he feels like he is going to be forced onto state programs or be forced to move. He told me he cannot afford much more. He and his wife are not from an affluent family. They live a very meager life style and one of the few things they do is go out to dinner on their anniversary every year. With these increases he fears even this will be taken from them.

Every time we increase the cost of living we increase the number of people that cannot afford to live on what they earn. Every time we increase a fee, legislate higher energy costs, raise taxes or increase budgets we take away from hard working Vermonters ready to dip below the line of self-sufficiency.

I know too well what we are doing to our citizens. My family came to Grafton, Vermont in 1796. I am the youngest of 8 . . .have a son-in-law and a daughter who is a stay-at-home un-schooling mom and a son who is a veteran of Iraqi Freedom. All are doing very well and probably live above modest means. The issue is they are doing this in North Caroline, Colorado and Washington state. All have left in the last 10 years.

Our policies are forcing Vermonters to leave for greener pastures. The policies are splitting families and destroying business. My family has been in Vermont 216 years and I am the last man standing. Is it only a matter of time before one of your loved ones is forced to leave?"

Rep. Degree of St. Albans City explained his vote as follows:

"Mr. Speaker:

I find it disingenuous to imply that my 'no' vote means that I don't support protecting children, seniors or rebuilding our infrastructure because I believe that all of these are endeavors that need our attention and I support them wholeheartedly. However, I do not believe that the greatest issue facing our state and my generation should be ignored or cast aside.

The rising cost of living in Vermont has driven too many young native Vermonters out of state and they're not coming back.

This budget just adds to the heap, another six percent increase while Vermont families and businesses continue to struggle to do more with less."

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

"Mr. Speaker:

The increases in the budgets during the past three years are: 2010 – 2011 6.9%, 2011 – 2012 6.1%, and 2012 – 2013 5.8%. Vermonters will have to absorb not only the increase of this year's budget, but also the loss of ARRA funds we have had during the past few years. The loss of this almost \$1 billion federal stimulus money will have to be made up by Vermont taxpayers.

This is at the same time we have seen continuing decline in our revenues during the past six months. We have a very fragile economy and we need to consider this in our budget decisions."

Rep. French of Shrewsbury explained his vote as follows:

"Mr. Speaker:

A budget that is balanced, that doesn't call for broad-based tax increases, that protects Vermonters and helps us rebuild our infrastructure and institutions. All this in the tailwinds of the Great Recession and tropical storm Irene. What an accomplishment! Kudos to our Appropriations committee."

Rep. Hubert of Milton explained his vote as follows:

"Mr. Speaker:

I vote 'no' as 6% is just too much when most people are only getting 1% or 2%. We must hold the line on spending."

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

Big bill. No. This budget has the same appearance that *Thelma and Louise* had when they exchanged those fatal glances in the final scene and Thelma put the pedal to the metal to fly off the mesa. Unfortunately for Vermont, this budget will put Vermont 90% of the way through the film's credits when it takes effect. Ouch!!"

Rep. Kitzmiller of Montpelier explained his vote as follows:

"Mr. Speaker:

I've been a member of this body for eleven years now, so this is the eleventh time I've voted on our annual budget. I am proud to cast my eleventh 'yes' vote! I have always supported our budget, regardless of which political party held the advantage in creating it.

My 'yes' votes have not always meant I agreed with the priorities in a budget, but they do mean that I deeply appreciate the incredibly difficult choices that must be made to create it. We never have enough money to do all we would like to do."

Rep. Mrowicki of Putney explained his vote as follows:

"Mr. Speaker:

Budgets are value statements. This budget is a statement of a responsible response to extraordinary circumstances and an affirmation of the role of good government in good times and bad.

My vote affirms the budget process – the long, arduous deliberations of the Appropriations Committee and the collective wisdom of this body and those who hired us to be here – the Vermont voters."

Rep. O'Brien of Richmond explained her vote as follows:

"Mr. Speaker:

I am proud to vote 'yes' on this, which during this very challenging time in Vermont's history still reserves over \$16 million for the future."

Rep. Scheuermann of Stowe explained her vote as follows:

"Mr. Speaker:

Make no mistake. Broad-based taxes are being raised. This budget depends on the permanent reduction of almost \$70 million in the Education Fund. That equals about 3 cents on the property tax rate for our Vermont families and businesses."

Rep. Sharpe of Bristol explained his vote as follows:

“Mr. Speaker:

This budget bill provides for a fundamental change in how we deal with unexpected tax revenues. Gone is the waterfall; in its place is a system to return to a full transfer of funds to the Education Fund, a set-aside for loss of federal funds, and a real ‘Rainy Day Fund’.”

Rep. Stevens of Waterbury explained his vote as follows:

“Mr. Speaker:

All too often our actions in this building only give the illusion we are doing something for the people of Vermont. The flooding in August forced us to solve difficult situations this year, rather than kicking them down the road. From repairing broken roads and bridges to restructuring a broken mental health care system, this budget makes hard decisions without leaving damaged communities in the lurch. Is it perfect? No, but none of us are.

I appreciate the hard work of the Committee to make these decisions while closing another large budget gap, as do my constituents. I’m proud to support this bill.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

This budget increases overall state spending by 6.4% to a total that exceeds \$5 billion dollars for the first time in history. This budget makes choices in policy and spending. I support the choices to help our communities and Vermonters recover from the damages caused by ‘IRENE’. However, there are many sections that I cannot. We have raised taxes and increased in the budget a number of fees over the years to support increased spending that I feel is growing at an unsustainable rate. Thank you.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Mr. Speaker:

Vermont state government has joined with all Vermonters across the state in an exemplary manner to respond to the effects of tropical storm Irene and is still in the process of facilitating that recovery. I voted ‘yes’ because this budget provides the necessary funding to continue that recovery while providing for the other necessary functions Vermonters expect state government to be responsible for.”

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. 781

House bill, entitled

An act relating to making appropriations for the support of government.

Adjournment

At ten o'clock and forty-five minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Monday, March 26, 2012, at two o'clock in the afternoon.

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. 304

House concurrent resolution congratulating the 2012 Essex High School Division I and Northern Vermont Athletic Conference championship cheerleading team;

H.C.R. 305

House concurrent resolution congratulating the Essex High School Hornets 2012 Division I championship girls' ice hockey team;

H.C.R. 306

House concurrent resolution congratulating the Williamstown High School Blue Devils 2012 Division III championship boys' basketball team;

H.C.R. 307

House concurrent resolution congratulating Sophia Hadeka of Fair Haven on being named Miss Vermont's Outstanding Teen 2011;

H.C.R. 308

House concurrent resolution congratulating the Essex High School Hornets on winning the 2012 state gymnastics championship;

H.C.R. 309

House concurrent resolution in memory of Alan D. Overton;

H.C.R. 310

House concurrent resolution designating March 21 as Vermont Energy Independence Day;

H.C.R. 311

House concurrent resolution congratulating the U-32 Raiders 2012 Lake Division championship boys' ice hockey team;

H.C.R. 312

House concurrent resolution honoring Alice Hafner of Danville for her outstanding public service on behalf of the Vermont criminal justice system;

H.C.R. 313

House concurrent resolution congratulating Middlebury Union Middle School students Ronan Howlett and Meigan Clark on their success at the 2012 Vermont Spelling Bee;

H.C.R. 314

House concurrent resolution congratulating the Mt. Mansfield Union High School Cougars 2012 Division I championship boys' basketball team;

H.C.R. 315

House concurrent resolution congratulating the Mt. Mansfield Union High School Cougars 2012 Division I championship boys' Nordic skiing team;

H.C.R. 316

House concurrent resolution congratulating the Mt. Mansfield Union High School Cougars 2012 Division I girls' alpine state championship team;

H.C.R. 317

House concurrent resolution honoring the federal TRIO programs in Vermont;

H.C.R. 318

House concurrent resolution congratulating Vermont Railway on its selection as the 2012 Shortline Railroad of the Year;

[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.]