

Journal of the House

Thursday, April 5, 2012

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

Devotional Exercises

Devotional exercises were conducted by singers from Zack's Place in Woodstock, VT.

Message from the Senate No. 38

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. 449. An act relating to the designation of brook trout and walleye pike as the state fish of Vermont.

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

House Bill Introduced

H. 790

By Reps. Christie of Hartford, Bohi of Hartford and Zagar of Barnard,
House bill, entitled

An act relating to approval of amendments to the charter of the town of Hartford;

To the committee on Government Operations.

House Committee Bill Introduced

H. 791

By the committee on Ways and Means,

An act relating to tax expenditures for nonprofits, charitable organizations, and miscellaneous tax expenditures, as presented in the tax expenditure budget for 2012;

Under the rule, placed on the Calendar for notice.

Bills Referred to Committee on Appropriations

Bills of the following titles, appearing on the Calendar, carrying appropriations, under the rule, were referred to the committee on Appropriations:

H. 762

House bill, entitled

An act relating to workers' compensation and unemployment compensation.

S. 199

Senate bill, entitled

An act relating to immunization exemptions and the immunization pilot program;

Third Reading; Bill Passed

H. 506

House bill, entitled

An act relating to vinous beverages

Was taken up, read the third time and passed.

Bill Read Second Time, Amended and Third Reading Ordered

H. 789

Rep. Atkins of Winooski spoke for the committee on Government Operations.

House bill entitled

An act relating to reapportioning the final representative districts of the House of Representatives

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. Hubert of Milton** moved to amend the bill as follows:

First: In Sec. 2, 17 V.S.A. § 1893a, in subdivision (b)(1) (district CHITTENDEN-6-1), after “then northwesterly along the southern side of the centerline of VT 127 to the intersection of the” by striking out “right-of-way of the Winooski Valley Park Way; then northerly in a straight line to the Winooski River and the boundary of the town of Colchester” and inserting in

lieu thereof “boundary of the town of Colchester at the Heineberg Bridge over the Winooski River”

Second: In Sec. 2, 17 V.S.A. § 1893a, by striking subdivision (b)(4) (district CHITTENDEN-6-4) in its entirety and inserting in lieu thereof the following:

(4) CHITTENDEN-6-4. That portion of the city of Burlington encompassed within a boundary beginning at the point of the intersection of North Street and North Union Street; then southerly along the eastern side of the centerline of North Union Street to the intersection of Pearl Street; then easterly along the northern side of the centerline of Pearl Street to the intersection of South Prospect Street; then southerly along the eastern side of the centerline of South Prospect Street to the intersection of Main Street; then easterly along the northern side of the centerline of Main Street to the northeastern boundary of 461 Main Street; then southeasterly along the eastern side of the boundary of 461 Main Street and 475 Main Street, including the property at 475, 479, and 481 Main Street and excluding the property at 461 Main Street and continuing in a straight line to the southwestern corner of the property located at 475 Main Street, including that property; then continuing on to and along the eastern side of the boundary between property located on Robinson Parkway and property located on University Terrace, including the University Terrace properties, to the intersection with University Heights Road; then continuing southerly from the intersection with University Heights Road on the eastern side of the boundary between properties within University Heights and those properties on South Prospect Street and on Henderson Terrace to the intersection of a road running along the southern side of the Gucciardi Recreation and Fitness Center and the Gutterson Fieldhouse and Davis Road; then easterly along the northern side of the centerline of the road on the southern boundary of the center and fieldhouse to the boundary of the city of South Burlington; then northerly and easterly along the South Burlington city line to the intersection with Grove Street, including the residences on the inside and southern side of the circle at 284 Grove Street, also known as Apple Grove, but excluding the residences on the outside and northern side of the circle at 284 Grove Street; then westerly along the southern side and northerly along the western side of the centerline of Grove Street to the intersection of Chase Street; then westerly and southwesterly along the southern side of the centerline of Chase Street to the intersection of Colchester Avenue; then northerly along the western side of the centerline of Colchester Avenue to the intersection of Riverside Avenue; then southerly along the eastern side and westerly along the southern side of the centerline of Riverside Avenue to the intersection of Intervale Road; then northwesterly

along the western side of the centerline of Intervale Road to the intersection with the railroad tracks; then westerly along the southern side of the centerline of the railroad tracks to a point representing the intersection of the centerline of the railroad tracks and a straight line extension of the centerline of Hyde Street; then southwestwardly along the eastern side of the centerline of that line extension and then Hyde Street to the intersection of North Willard Street; then southerly along the eastern side of the centerline of North Willard Street to the intersection of North Street; then westerly along the southern side of the centerline of North Street to the point of beginning 2

Third: In Sec. 2, 17 V.S.A. § 1893a, by striking subdivision (b)(6) (district CHITTENDEN-6-6) in its entirety and inserting in lieu thereof the following:

(6) CHITTENDEN-6-6. That portion of the city of Burlington encompassed within a boundary beginning at the point of the intersection of Pearl Street and North Union Street; then easterly along the southern side of the centerline of Pearl Street to the intersection of South Prospect Street; then southerly along the western side of the centerline of South Prospect Street to the intersection of Main Street; then easterly along the southern side of the centerline of Main Street to the northeastern boundary of 461 Main Street; then southeasterly along the western side of the boundary of 461 Main Street and 475 Main Street, excluding the property at 475, 479, and 481 Main Street and including the property at 461 Main Street and continuing in a straight line to the southwestern corner of the property located at 475 Main Street, excluding that property; then continuing on to and along the western side of the boundary between property located on Robinson Parkway and property located on University Terrace, including the Robinson Parkway properties, to the intersection with University Heights Road; then continuing southerly from the intersection with University Heights Road on the western side of the boundary between properties within University Heights and those properties on South Prospect Street and on Henderson Terrace to the intersection of a road running along the southern side of the Gucciardi Recreation and Fitness Center and the Gutterson Fieldhouse and Davis Road; then westerly along the northern side of the centerline of Davis Road to the intersection of South Prospect Street; then northerly along the eastern side of the centerline of South Prospect Street to the intersection of Cliff Street; then westerly along the northern side of the centerline of Cliff Street to the intersection of South Willard Street; then northerly along the eastern side of the centerline of South Willard Street to the intersection of Main Street; then westerly along the northern side of the centerline of Main Street to the intersection of South Union Street; then northerly along South Union Street to the intersection of Pearl Street; then

continuing northerly along the eastern side of the centerline of North Union Street to the point of beginning

Which was agreed to.

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

First: In Sec. 1, before ~~BENNINGTON-3~~, by inserting the following:

BENNINGTON-2-1 That portion of the town of Bennington not included in BENNINGTON-2-2 or BENNINGTON 3-1 2

* * *

Second: In Sec. 1, by striking districts BENNINGTON-3-1 and BENNINGTON-3-2 in their entirety and inserting in lieu thereof the following:

BENNINGTON-3-1 Glastenbury, Shaftsbury, and that portion of the town of Bennington encompassed within a boundary beginning at the point where the boundary line of Bennington and Shaftsbury intersects with VT Route 7A; then southerly along the eastern side of the centerline of VT 7A to the intersection of the on- and off-ramps of VT Route 7; then easterly along then northern side of the centerline of the on- and off-ramps to the intersection of VT 7; then southerly along the eastern side of the centerline of VT 7 to the intersection with a point representing a straight line extension of the western end of Squaw Hill; then easterly from that point and then along the northern side of the centerline of Squaw Hill to the intersection of Houghton Lane; then easterly along the northern side of the centerline of Houghton Lane to the intersection of East Road; then northerly along the western side of the centerline of East Road to the boundary of Shaftsbury; then westerly along the Shaftsbury town line to the point of beginning 1

BENNINGTON-3-2 Arlington, Sandgate, Sunderland, and that portion of the town of Rupert encompassed within a boundary beginning at the point where the boundary line of Rupert and the state of New York intersects with VT Route 153; then northeasterly along the southern side of the centerline of VT 153 to the intersection of East Street;

then easterly along the southern side of the centerline of East Street to the intersection of Kent Hollow Road; then easterly along the southern side and southerly along the western side of the centerline of Kent Hollow Road to the boundary of Sandgate; then westerly along the Sandgate town line to the boundary of New York; then northerly along the New York state line to the point of beginning 1

Third: In Sec. 1, by striking districts RUTLAND-BENNINGTON and RUTLAND-1 in their entirety and inserting in lieu thereof the following:

RUTLAND- BENNINGTON

Middletown Springs, Pawlet, Tinmouth, that portion of the town of Wells not in RUTLAND-1, and that portion of the town of Rupert not in ~~BENNINGTON-3~~
BENNINGTON-3-2 1

RUTLAND-1

Ira, Poultney, and that portion of the town of Wells encompassed within a boundary beginning at the point where the boundary line of Wells and Poultney intersects with West Lake Road; then southerly along the eastern and Lake St. Catherine side of the centerline of West Lake Road to the intersection of VT Route 30; then northerly along the western and Lake St. Catherine side of the centerline of VT 30 to the boundary of Poultney; then westerly along the Poultney town line to the point of beginning

Pending the question, Shall the bill be amended as recommended by Rep. Browning of Arlington and Rep. Malcolm of Pawlet? **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 Rep. Browning of Arlington and Rep. Malcolm of Pawlet? was decided in the negative. Yeas, 41. Nays, 93.

Those who voted in the affirmative are:

Acinapura of Brandon	Conquest of Newbury	Hebert of Vernon
Batchelor of Derby	Courcelle of Rutland City	Koch of Barre Town
Bohi of Hartford	Crawford of Burke	Krebs of South Hero
Bouchard of Colchester	Davis of Washington	Larocque of Barnet
Browning of Arlington	Devereux of Mount Holly	Lawrence of Lyndon
Burditt of West Rutland	Eckhardt of Chittenden	Lewis of Derby
Burke of Brattleboro	Fagan of Rutland City	Malcolm of Pawlet
Canfield of Fair Haven	Gilbert of Fairfax	McAllister of Highgate

Myers of Essex	Shaw of Pittsford	Till of Jericho
O'Brien of Richmond	Smith of New Haven	Waite-Simpson of Essex
Pearson of Burlington	South of St. Johnsbury	Winters of Williamstown
Poirier of Barre City	Spengler of Colchester	Young of Glover
Potter of Clarendon	Strong of Albany	Zagar of Barnard
Reis of St. Johnsbury	Taylor of Barre City	

Those who voted in the negative are:

Ancel of Calais	Grad of Moretown	Miller of Shaftsbury
Andrews of Rutland City	Greshin of Warren	Mook of Bennington
Aswad of Burlington	Haas of Rochester	Moran of Wardsboro
Atkins of Winooski	Head of South Burlington	Mrowicki of Putney
Bartholomew of Hartland	Heath of Westford	Munger of South Burlington
Bissonnette of Winooski	Helm of Fair Haven	Nuovo of Middlebury
Botzow of Pownal	Higley of Lowell	Olsen of Jamaica
Branagan of Georgia	Hooper of Montpelier	O'Sullivan of Burlington
Brennan of Colchester	Howrigan of Fairfield	Partridge of Windham
Buxton of Tunbridge	Hubert of Milton	Pearce of Richford
Campion of Bennington	Jerman of Essex	Peaslee of Guildhall
Cheney of Norwich	Jewett of Ripton	Perley of Enosburgh
Christie of Hartford	Johnson of South Hero	Pugh of South Burlington
Clarkson of Woodstock	Johnson of Canaan	Ralston of Middlebury
Condon of Colchester	Keenan of St. Albans City	Ram of Burlington
Consejo of Sheldon	Kilmartin of Newport City	Russell of Rutland City
Copeland-Hanzas of Bradford	Kitzmiller of Montpelier	Savage of Swanton
Corcoran of Bennington	Klein of East Montpelier	Scheuermann of Stowe
Dakin of Chester	Krowinski of Burlington	Shand of Weathersfield
Deen of Westminster	Lanpher of Vergennes	Stevens of Waterbury
Degree of St. Albans City	Lenes of Shelburne	Stuart of Brattleboro
Dickinson of St. Albans Town	Lippert of Hinesburg	Sweaney of Windsor
Donaghy of Poultney	Lorber of Burlington	Toll of Danville
Donovan of Burlington	Macaig of Williston	Townsend of Randolph
Ellis of Waterbury	Manwaring of Wilmington	Trieber of Rockingham
Emmons of Springfield	Marcotte of Coventry	Turner of Milton
Fisher of Lincoln	Marek of Newfane	Webb of Shelburne
Frank of Underhill	Martin of Springfield	Wilson of Manchester
French of Shrewsbury	Martin of Wolcott	Wizowaty of Burlington
French of Randolph	Masland of Thetford	Wright of Burlington
	McCullough of Williston	Yantachka of Charlotte
	McFaun of Barre Town	

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

Clark of Vergennes	Kupersmith of South Burlington	Peltz of Woodbury
Donahue of Northfield	Leriche of Hardwick	Sharpe of Bristol
Edwards of Brattleboro	Lewis of Berlin	Stevens of Shoreham
Evans of Essex	McNeil of Rutland Town	Woodward of Johnson
Howard of Cambridge	Morrissey of Bennington	
Komline of Dorset		

Pending the question, Shall the bill be read a third time? **Rep. Hubert 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 be read a third time? was decided in the affirmative. Yeas, 123. Nays, 9.

Those who voted in the affirmative are:

Acinapura of Brandon	Grad of Moretown	Nuovo of Middlebury
Ancel of Calais	Greshin of Warren	O'Brien of Richmond
Andrews of Rutland City	Haas of Rochester	Olsen of Jamaica
Atkins of Winooski	Head of South Burlington	Partridge of Windham
Bartholomew of Hartland	Heath of Westford	Pearce of Richford
Batchelor of Derby	Hebert of Vernon	Pearson of Burlington
Bissonnette of Winooski	Helm of Fair Haven	Peaslee of Guildhall
Bohi of Hartford	Higley of Lowell	Peltz of Woodbury
Botzow of Pownal	Hooper of Montpelier	Perley of Enosburgh
Bouchard of Colchester	Howrigan of Fairfield	Poirier of Barre City
Branagan of Georgia	Hubert of Milton	Potter of Clarendon
Brennan of Colchester	Jerman of Essex	Ralston of Middlebury
Burditt of West Rutland	Jewett of Ripton	Reis of St. Johnsbury
Burke of Brattleboro	Johnson of South Hero	Russell of Rutland City
Campion of Bennington	Johnson of Canaan	Savage of Swanton
Canfield of Fair Haven	Keenan of St. Albans City	Scheuermann of Stowe
Cheney of Norwich	Kilmartin of Newport City	Shand of Weathersfield
Christie of Hartford	Kitzmiller of Montpelier	Shaw of Pittsford
Clarkson of Woodstock	Klein of East Montpelier	Smith of New Haven
Condon of Colchester	Koch of Barre Town	South of St. Johnsbury
Conquest of Newbury	Krebs of South Hero	Spengler of Colchester
Consejo of Sheldon	Lanpher of Vergennes	Stevens of Waterbury
Corcoran of Bennington	Larocque of Barnet	Stevens of Shoreham
Courcelle of Rutland City	Lawrence of Lyndon	Strong of Albany
Crawford of Burke	Lenes of Shelburne	Stuart of Brattleboro
Dakin of Chester	Lewis of Derby	Sweaney of Windsor
Davis of Washington	Lippert of Hinesburg	Taylor of Barre City
Deen of Westminster	Macaig of Williston	Till of Jericho
Degree of St. Albans City	Manwaring of Wilmington	Toll of Danville
Devereux of Mount Holly	Marcotte of Coventry	Townsend of Randolph
Dickinson of St. Albans Town	Marek of Newfane	Trieber of Rockingham
Donaghy of Poultney	Martin of Springfield	Turner of Milton
Eckhardt of Chittenden	Martin of Wolcott	Waite-Simpson of Essex
Ellis of Waterbury	Masland of Thetford	Webb of Shelburne
Emmons of Springfield	McAllister of Highgate	Wilson of Manchester
Fagan of Rutland City	McCullough of Williston	Winters of Williamstown
Fisher of Lincoln	McFaun of Barre Town	Wizowaty of Burlington
Frank of Underhill	Miller of Shaftsbury	Wright of Burlington
French of Shrewsbury	Mook of Bennington	Yantachka of Charlotte
French of Randolph	Moran of Wardsboro	Young of Glover
Gilbert of Fairfax	Munger of South Burlington	
	Myers of Essex	

Those who voted in the negative are:

Aswad of Burlington	Lorber of Burlington	O'Sullivan of Burlington
Buxton of Tunbridge	Malcolm of Pawlet	Ram of Burlington
Krowinski of Burlington	Mrowicki of Putney	Zagar of Barnard

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

Browning of Arlington	Evans of Essex	McNeil of Rutland Town
Clark of Vergennes	Howard of Cambridge	Morrissey of Bennington
Copeland-Hanzas of Bradford	Komline of Dorset	Pugh of South Burlington
Donahue of Northfield	Kupersmith of South Burlington	Sharpe of Bristol
Donovan of Burlington	Leriche of Hardwick	Woodward of Johnson
Edwards of Brattleboro	Lewis of Berlin	

Rep. Consejo of Sheldon explained his vote as follows:

“Mr. Speaker:

It was indeed a great experience to be part of this process. An experience I will never forget, thanks to the members of my committee and the great leadership of my chair.”

Rep. Pearson of Burlington explained his vote as follows:

“Mr. Speaker:

This bill serves as a model of redistricting for the country. Members of all parties find areas to support and areas of disagreement. But local input was valued and neighborhoods respected if at all possible. I am proud to be part of today’s vote and of the whole process.”

Proposal of Amendment Agreed to; Third Reading Ordered

S. 181

Rep. Perley of Enosburgh, for the committee on Education, to which had been referred Senate bill, entitled

An act relating to school resource officers

Reported in favor of its passage in concurrence with proposal of amendment as follows:

In Sec. 1, 16 V.S.A. § 1167, by striking subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read:

(b) A school board or its designee may enter into a memorandum of understanding with a law enforcement agency to define the nature and scope of assistance that a school resource officer will provide to the school system.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Favorable Report; Third Reading Ordered

S. 122

Rep. Waite-Simpson of Essex, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to human trafficking and prostitution;

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

Action Postponed

H. 634

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

An act relating to remedies for failure to pay municipal tickets;

By striking Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATES

(a) Sec. 1 of this act shall take effect on July 1, 2012.

(b) Sec. 2 of this act and this section shall take effect on passage.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Reis of St. Johnsbury** moved to postpone action for one legislative day, which was agreed to.

Message from the Senate No. 39

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 bills originating in the House of the following titles:

H. 39. An act relating to persons authorized to direct disposition of service members' remains.

H. 378. An act relating to town payments of county taxes.

And has passed the same in concurrence.

The Senate has considered a bill originating in the House of the following title:

H. 503. An act relating to eliminating the ability of the sergeant at arms to employ a traffic control officer and requiring the certification of capitol police officers.

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

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.