

Journal of the House

Friday, February 1, 2013

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 127

By Reps. Waite-Simpson of Essex, Ram of Burlington and Townsend of South Burlington,

House bill, entitled

An act relating to continuing child support orders past the age of majority when a child has a mental or physical disability or is enrolled in vocational or higher education;

To the committee on Judiciary.

H. 128

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to municipal authority to regulate the possession, use, and manufacture of knives;

To the committee on Government Operations.

H. 129

By Reps. Brennan of Colchester, Batchelor of Derby, Beyor of Highgate, Hubert of Milton, Johnson of Caanan, Juskiewicz of Cambridge, Larocque of Barnet, Shaw of Pittsford and Winters of Williamstown,

House bill, entitled

An act relating to authorizing a person to carry a handgun while hunting with a bow and arrow or training hunting dogs;

To the committee on Fish, Wildlife & Water Resources.

H. 130

By Reps. Martin of Springfield and Emmons of Springfield,
House bill, entitled

An act relating to confidentiality of pension records of a retired state employee;

To the committee on Government Operations.

H. 131

By Reps. Malcolm of Pawlet, Canfield of Fair Haven and Potter of Clarendon,

House bill, entitled

An act relating to harvesting guidelines and procurement standards;

To the committee on Agriculture.

H. 132

By Reps. Ram of Burlington, Bissonnette of Winooski, Clarkson of Woodstock, Cole of Burlington, Dakin of Chester, Evans of Essex, Grad of Moretown, Lenex of Shelburne, Miller of Shaftsbury, Russell of Rutland City, Stevens of Waterbury, Toll of Danville, Vowinkel of Wilder, Waite-Simpson of Essex and Wilson of Manchester,

House bill, entitled

An act relating to law enforcement requests for location information from wireless telecommunications service providers;

To the committee on Government Operations.

H. 133

By Reps. Bouchard of Colchester, Condon of Colchester, Batchelor of Derby, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Cross of Winooski, Cupoli of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Donahue of Northfield, Fagan of Rutland City, Gage of Rutland City, Hebert of Vernon, Higley of Lowell, Juskiewicz of Cambridge, Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin, McFaun of Barre Town, Myers of Essex, Quimby of Concord, Savage of Swanton, Shaw of Derby, Smith of New Haven and Winters of Williamstown,

House bill, entitled

An act relating to declaring August 10 and 11, 2013, a state sales tax holiday;

To the committee on Ways and Means.

H. 134

By Rep. Krebs of South Hero,

House bill, entitled

An act relating to stormwater permits for telecommunications facilities;

To the committee on Fish, Wildlife & Water Resources.

H. 135

By Reps. Mrowicki of Putney, French of Randolph, Lenex of Shelburne, McCarthy of St. Albans City and Waite-Simpson of Essex,

House bill, entitled

An act relating to penalties for violating the child restraint system law;

To the committee on Transportation.

H. 136

By Reps. Till of Jericho, Botzow of Pownal, Heath of Westford, Keenan of St. Albans City, Macaig of Williston, Stevens of Waterbury, Stuart of Brattleboro, Townsend of South Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to cost-sharing for preventive services;

To the committee on Health Care.

H. 137

By Reps. Till of Jericho, Bissonnette of Winooski, Dakin of Chester, Evans of Essex, Jerman of Essex, Lenex of Shelburne, Nuovo of Middlebury, Russell of Rutland City, Stevens of Waterbury, Townsend of South Burlington and Woodward of Johnson,

House bill, entitled

An act relating to raising the cigarette and tobacco products tax rates;

To the committee on Ways and Means.

H. 138

By Reps. Till of Jericho, Bissonnette of Winooski, Clarkson of Woodstock,

Dakin of Chester, Jerman of Essex and Martin of Springfield,

House bill, entitled

An act relating to the immunization rates of students attending public schools;

To the committee on Health Care.

H. 139

By Reps. Jerman of Essex and Cheney of Norwich,

House bill, entitled

An act relating to funding postclosure activities at nuclear energy generating plants;

To the committee on Natural Resources and Energy.

H. 140

By Reps. Pugh of South Burlington, Haas of Rochester, Batchelor of Derby, Burditt of West Rutland, Donahue of Northfield, Frank of Underhill, French of Randolph, Krowinski of Burlington, McFaun of Barre Town, Mrowicki of Putney and Trieber of Rockingham,

House bill, entitled

An act relating to Choices for Care;

To the committee on Human Services.

H. 141

By Rep. Johnson of Canaan,

House bill, entitled

An act relating to the compensation of the members of the district environmental commissions;

To the committee on Natural Resources and Energy.

H. 142

By Rep. Johnson of Canaan,

House bill, entitled

An act relating to repealing certain requirements for forestlands in the Use Value Appraisal Program;

To the committee on Agriculture.

H. 143

By Rep. Johnson of Canaan,

House bill, entitled

An act relating to municipal land use bylaws and residential care or group homes;

To the committee on Government Operations.

H. 144

By Rep. Johnson of Canaan,

House bill, entitled

An act relating to on-the-record appeals from the district environmental commissions;

To the committee on Natural Resources and Energy.

H. 145

By Rep. Johnson of Canaan,

House bill, entitled

An act relating to water quality and the application of manure ;

To the committee on Fish, Wildlife & Water Resources.

H. 146

By Reps. Martin of Wolcott, Townsend of Randolph and Woodward of Johnson,

House bill, entitled

An act relating to the creation of an official sign for posting land to prohibit the taking of game, wild animals, and fish;

To the committee on Fish, Wildlife & Water Resources.

H. 147

By Reps. Poirier of Barre City, Browning of Arlington, Buxton of Tunbridge, Dakin of Chester, Davis of Washington, McCormack of Burlington, Mitchell of Fairfax, Pearson of Burlington, Spengler of Colchester, Till of Jericho, Wizowaty of Burlington and Woodward of Johnson,

House bill, entitled

An act relating to the Office of Health Care Consumer Protection;

To the committee on Health Care.

H. 148

By Reps. Clarkson of Woodstock, Cheney of Norwich, Evans of Essex, Miller of Shaftsbury and Waite-Simpson of Essex,

House bill, entitled

An act relating to dental and vision coverage;

To the committee on Health Care.

H. 149

By Reps. Sharpe of Bristol, Cole of Burlington, Komline of Dorset, Kupersmith of South Burlington, Manwaring of Wilmington, Marcotte of Coventry, Masland of Thetford, Nuovo of Middlebury, Stevens of Shoreham, Toleno of Brattleboro and Townsend of Randolph,

House bill, entitled

An act relating to requiring a standards-based performance assessment prior to graduation from secondary school;

To the committee on Education.

H. 150

By Reps. Clarkson of Woodstock, Branagan of Georgia, Cheney of Norwich, Condon of Colchester, Evans of Essex, Ram of Burlington and Sharpe of Bristol,

House bill, entitled

An act relating to tuition payments to out-of-state independent schools;

To the committee on Education.

H. 151

By Reps. Clarkson of Woodstock, Cheney of Norwich, Ellis of Waterbury, Masland of Thetford and Potter of Clarendon,

House bill, entitled

An act relating to public schools serving as community emergency shelters;

To the committee on Education.

H. 152

By Rep. Johnson of Canaan,

House bill, entitled

An act relating to the Route 102 resurfacing project;

To the committee on Fish, Wildlife & Water Resources.

H. 153

By Reps. Lippert of Hinesburg and Dickinson of St. Albans Town,
House bill, entitled
An act relating to branding the titles of flooded motor vehicles;
To the committee on Transportation.

H. 154

By Reps. Clarkson of Woodstock, Cheney of Norwich, Evans of Essex,
Heath of Westford and Masland of Thetford,
House bill, entitled
An act relating to requirements for older drivers to obtain or renew
operator's licenses;
To the committee on Transportation.

H. 155

By Rep. Bissonnette of Winooski,
House bill, entitled
An act relating to gambling at a gaming house;
To the committee on General, Housing and Military Affairs.

H. 156

By Rep. Krowinski of Burlington,
House bill, entitled
An act relating to unlawful trespass;
To the committee on Judiciary.

Message from the Senate No. 11

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 resolutions of the following titles:

J.R.S. 10. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

J.R.S. 11. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2013.

J.R.S. 12. Joint resolution supporting the return of the Battle of Winchester Memorial to its original battlefield location.

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

Hosue Resolution Referred to Committee

H. R. 6

Offered by: Representatives Sweaney of Windsor, Cole of Burlington, Consejo of Sheldon, Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Hubert of Milton, Townsend of Randolph, and Townsend of South Burlington

House resolution relating to amending Rule 25 of the Rules and Orders of the House of Representatives to grant jurisdiction relating to the policies of the State of Vermont's information technology systems to the Committee on Government Operations

Offered by: Whereas, the State of Vermont's information technology systems are an integral part of the State's day-to-day operation, and

Whereas, the policies regarding the State's information technology systems should ensure the best use, integrity, accessibility, and advancement of those systems, and

Whereas, to ensure that the State of Vermont is operating under the best information technology policies possible in its day-to-day operation, the Committee on Government Operations should have jurisdiction over policies related to the State of Vermont's information technology systems, now therefore be it

Resolved by the House of Representatives:

That this legislative body moves to amend Rule 25 of the Rules of the House of Representatives to read:

25. At the beginning of each regular session, standing committees shall be appointed having the following names, number of members, and duties:

<u>Committee</u>	<u>Member</u>	<u>To Consider Matters Relating to</u>
		* * *
Government Operations	11	Organization, oversight and conduct of state government, compensation of state officials and employees, pensions, law enforcement, public safety, reapportionment, municipal corporations, suffrage, nominations, elections and the election of members; local, county, and regional governmental structures; relations between state and local governments; <u>and the state's information technology systems policies</u>

* * *

Which was read and referred to the committee on Rules.

Joint Resolutions Placed on Calendar

The Speaker placed before the House the following resolutions which were read and in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

J.R.S. 10

By Senator Campbell,

Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 21, 2013, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

J.R.S. 11

By Senator Campbell,

Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2013.

Whereas, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

Whereas, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

Whereas, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

Whereas, if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

Resolved by the Senate and House of Representatives:

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 21, 2013, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

J.R.S. 12.

By Committee on Institutions,

Joint resolution supporting the return of the Battle of Winchester Memorial to its original battlefield location.

Whereas, Vermont Civil War troops were key to the important Union victory at the Third Battle of Winchester fought at Winchester, Virginia on September 19, 1864, and

Whereas, the Third Battle of Winchester was the first major battle of the campaign that resulted in Union control of the Shenandoah Valley, and

Whereas, Colonel Stephen Thomas told his Eighth Vermont Regiment to “remember Ethan Allen and Old Vermont” as he ordered the bayonet charge so important to victory at Winchester, and

Whereas, on September 19, 1885, the 21st anniversary of the battle, veterans of the Eighth Vermont Regiment dedicated a monument, which Herbert Hill constructed on the Winchester battlefield, overlooking the scene of the bayonet charge, and

Whereas, Virginians joined the Vermont veterans in the celebration at the dedication, and

Whereas, the General Assembly, in a resolution adopted in 1886, praised the “kindly spirit in which the inhabitants of the Shenandoah Valley received the citizens of this State, September 19, 1885,” and

Whereas, subsequently, the Eighth Vermont Monument was removed from the battlefield to the Winchester National Cemetery, and

Whereas, with the approach of the Battle of Winchester’s 150th anniversary, the General Assembly wishes to return the Eighth Vermont Monument to the battlefield at a site as close as possible to the original location where our veterans of the battle had placed it, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the Vermont General Assembly respectfully asks the Vermont Congressional Delegation, the National Park Service, the U.S. Department of Veterans Affairs, the Civil War Trust, and the City of Winchester, Virginia to facilitate the return of the Eighth Vermont Monument to the hallowed ground of the Winchester battlefield in a timely fashion to enable the rededication of the monument to occur on the battle’s 150th anniversary, September 19, 2014, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to National Park Service Director Jon Jarvis, U.S. Secretary of Veterans Affairs Eric Shinseki, the Civil War Trust in Washington, D.C., Winchester, Virginia City Manager Dale Iman, and the Vermont Congressional Delegation.

Committee Relieved of Consideration

and Bill Committed to Other Committee**H. 7**

Rep. Lippert of Hinesburg moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to authorizing arbitration for unit owners of condominiums and common interest communities

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

Adjournment

At nine o'clock and fifty minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 5, 2013, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 6.