

Journal of the House

Tuesday, February 5, 2013

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

Devotional Exercises

Devotional exercises were conducted by Pastor Caleb Abetti of St. Jacob of Alaska Orthodox Church, Northfield Falls, Vt.

Pledge of Allegiance

Page Abigail Brewer of Berlin led the House in the Pledge of Allegiance.

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. 157

By Rep. McCullough of Williston,
House bill, entitled
An act relating to illegal wiretapping;
To the committee on Judiciary.

H. 158

By Rep. Conquest of Newbury,
House bill, entitled
An act relating to disorderly conduct;
To the committee on Judiciary.

H. 159

By Reps. McCullough of Williston, Deen of Westminster and Webb of Shelburne,
House bill, entitled
An act relating to the regulation of stream alteration;
To the committee on Fish, Wildlife & Water Resources.

H. 160

By Reps. Cupoli of Rutland City, Devereux of Mount Holly and Gage of Rutland City,

House bill, entitled

An act relating to substance abuse testing and treatment for recipients of public assistance;

To the committee on Human Services.

H. 161

By Reps. Botzow of Pownal, Corcoran of Bennington, Haas of Rochester, Lanpher of Vergennes, Marcotte of Coventry, Partridge of Windham and Shaw of Derby,

House bill, entitled

An act relating to prohibiting the use of portable electronic devices in work zones;

To the committee on Transportation.

H. 162

By Rep. Condon of Colchester,

House bill, entitled

An act relating to creating a tiered benefit structure in the Use Value Program;

To the committee on Ways and Means.

H. 163

By Rep. Condon of Colchester,

House bill, entitled

An act relating to exempting prewritten software from Vermont's sales and use tax when accessed remotely;

To the committee on Ways and Means.

H. 164

By Rep. Condon of Colchester,

House bill, entitled

An act relating to the simplification of the statewide education property tax by reducing the property component of the tax and adding an income-based

education tax;

To the committee on Ways and Means.

H. 165

By Reps. Burke of Brattleboro, Donahue of Northfield, Greshin of Warren, Kitzmiller of Montpelier, Masland of Thetford, McFaun of Barre Town and Potter of Clarendon,

House bill, entitled

An act relating to miscellaneous consumer protection provisions related to motor vehicles;

To the committee on Commerce and Economic Development.

H. 166

By Reps. Consejo of Sheldon, Beyor of Highgate, Browning of Arlington, Devereux of Mount Holly, Fagan of Rutland City, Higley of Lowell, Hubert of Milton, Kupersmith of South Burlington, Masland of Thetford, McCarthy of St. Albans City, Mrowicki of Putney, O'Sullivan of Burlington, Pearce of Richford, Savage of Swanton, Townsend of Randolph and Townsend of South Burlington,

House bill, entitled

An act relating to a right to cross state-owned railbanked rail property;

To the committee on Transportation.

H. 167

By Rep. Conquest of Newbury,

House bill, entitled

An act relating to snowmobile registration proceeds and law enforcement;

To the committee on Transportation.

H. 168

By Reps. Condon of Colchester, Clarkson of Woodstock, Keenan of St. Albans City, Sharpe of Bristol, Stevens of Waterbury and Wilson of Manchester,

House bill, entitled

An act relating to prohibiting the use of robotic telephone calls unless the candidate has obtained written permission from the recipient;

To the committee on Government Operations.

H. 169

By Reps. Clarkson of Woodstock, Manwaring of Wilmington, Christie of Hartford, Ellis of Waterbury, Gallivan of Chittenden, Goodwin of Weston, Haas of Rochester, Komline of Dorset, Marek of Newfane, Moran of Wardsboro, Poirier of Barre City, Stevens of Waterbury, Taylor of Barre City and Townsend of South Burlington,

House bill, entitled

An act relating to relieving employers' experience-rating records;

To the committee on Commerce and Economic Development.

H. 170

By Rep. Bouchard of Colchester,

House bill, entitled

An act relating to independent contractors;

To the committee on Commerce and Economic Development.

H. 171

By Reps. Kitzmiller of Montpelier, Bartholomew of Hartland, Carr of Brandon, Cheney of Norwich, Christie of Hartford, Connor of Fairfield, Consejo of Sheldon, Dakin of Chester, Deen of Westminster, Devereux of Mount Holly, Ellis of Waterbury, French of Randolph, Gallivan of Chittenden, Hooper of Montpelier, Keenan of St. Albans City, Krebs of South Hero, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Martin of Wolcott, McCullough of Williston, Moran of Wardsboro, Mrowicki of Putney, Poirier of Barre City, Stevens of Waterbury, Taylor of Barre City, Townsend of South Burlington, Webb of Shelburne, Wilson of Manchester, Yantachka of Charlotte and Young of Glover,

House bill, entitled

An act relating to recognizing as the state dog any adopted dog;

To the committee on General, Housing and Military Affairs.

H. 172

By Reps. Martin of Wolcott, Wilson of Manchester and Woodward of Johnson,

House bill, entitled

An act relating to expedited termination of tenancy;

To the committee on General, Housing and Military Affairs.

H. 173

By Reps. Poirier of Barre City, Christie of Hartford, Donovan of Burlington, Evans of Essex, Jerman of Essex, Kitzmiller of Montpelier, Koch of Barre Town, Lenex of Shelburne, Lippert of Hinesburg, Macaig of Williston, Masland of Thetford, McCormack of Burlington, McCullough of Williston, McFaun of Barre Town, Spengler of Colchester, Till of Jericho, Toleno of Brattleboro, Townsend of Randolph, Waite-Simpson of Essex, Wilson of Manchester, Winters of Williamstown and Yantachka of Charlotte,

House bill, entitled

An act relating to compliance testing of tobacco licensees;

To the committee on General, Housing and Military Affairs.

H. 174

By Reps. Greshin of Warren, Botzow of Pownal, Conquest of Newbury, Grad of Moretown, Martin of Springfield, Masland of Thetford, Ralston of Middlebury, Ram of Burlington, Scheuermann of Stowe, Shaw of Pittsford, Wilson of Manchester and Young of Glover,

House bill, entitled

An act relating to the shipment of malt beverages;

To the committee on General, Housing and Military Affairs.

H. 175

By Reps. McCullough of Williston and Webb of Shelburne,

House bill, entitled

An act relating to electrical installations;

To the committee on General, Housing and Military Affairs.

H. 176

By Rep. McCullough of Williston,

House bill, entitled

An act relating to alcoholic beverages;

To the committee on General, Housing and Military Affairs.

H. 177

By Reps. Conquest of Newbury and Scheuermann of Stowe,

House bill, entitled

An act relating to certified contractors;

To the committee on Commerce and Economic Development.

H. 178

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to anatomical gifts;

To the committee on Human Services.

H. 179

By Rep. Johnson of Canaan,

House bill, entitled

An act relating to notice of proposed wind energy generation plants;

To the committee on Natural Resources and Energy.

H. 180

By Reps. Shaw of Pittsford, Browning of Arlington, Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Fagan of Rutland City, Goodwin of Weston, Greshin of Warren, Hooper of Montpelier, Johnson of Canaan, Juskiewicz of Cambridge, Larocque of Barnet, Malcolm of Pawlet, Mitchell of Fairfax, Potter of Clarendon, Russell of Rutland City, Savage of Swanton, Shaw of Derby, South of St. Johnsbury, Stevens of Shoreham, Terenzini of Rutland Town and Townsend of Randolph,

House bill, entitled

An act relating to the sale of malt or vinous beverages to retail dealers;

To the committee on General, Housing and Military Affairs.

H. 181

By Reps. Johnson of Canaan and Marek of Newfane,

House bill, entitled

An act relating to exempting trailers in storage from the property tax;

To the committee on Ways and Means.

H. 182

By Rep. Sweaney of Windsor,

House bill, entitled

An act relating to search and rescue;

To the committee on Government Operations.

H. 183

By Rep. Clarkson of Woodstock,

House bill, entitled

An act relating to speed limits on town highways;

To the committee on Transportation.

H. 184

By Reps. Jerman of Essex, Beyor of Highgate, Cross of Winooski, Devereux of Mount Holly, Donaghy of Poultney, Donovan of Burlington, Fagan of Rutland City, Feltus of Lyndon, Hebert of Vernon, McCormack of Burlington, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho and Wizowaty of Burlington,

House bill, entitled

An act relating to municipal authority to adopt, amend, and repeal charters without legislative approval;

To the committee on Government Operations.

H. 185

By Rep. Ellis of Waterbury,

House bill, entitled

An act relating to amending perpetual conservation easements;

To the committee on Natural Resources and Energy.

H. 186

By Rep. Bissonnette of Winooski,

House bill, entitled

An act relating to establishing the Vermont Gaming Commission;

To the committee on General, Housing and Military Affairs.

H. 187

By Reps. Potter of Clarendon, Bissonnette of Winooski, Gallivan of Chittenden, Grad of Moretown, Head of South Burlington, Lanpher of Vergennes, Malcolm of Pawlet and Russell of Rutland City,

House bill, entitled

An act relating to the use of portable electronic devices while driving and primary seat belt enforcement;

To the committee on Transportation.

H. 188

By Reps. Devereux of Mount Holly, Jerman of Essex and Stevens of Shoreham,

House bill, entitled

An act relating to designating the Mount Holly mammoth tooth and tusk as the official state terrestrial fossil;

To the committee on General, Housing and Military Affairs.

H. 189

By Rep. Deen of Westminster,

House bill, entitled

An act relating to designation of a state fly-fishing fly;

To the committee on Fish, Wildlife & Water Resources.

H. 190

By Reps. Botzow of Pownal, Carr of Brandon, Cross of Winooski, Kitzmiller of Montpelier, Kupersmith of South Burlington, Marcotte of Coventry, Ralston of Middlebury and Young of Glover,

House bill, entitled

An act relating to unemployment compensation;

To the committee on Commerce and Economic Development.

H. 191

By Rep. Lanpher of Vergennes,

House bill, entitled

An act relating to employees of alcoholic beverage wholesale dealers;

To the committee on General, Housing and Military Affairs.

H. 192

By Reps. Masland of Thetford and Cheney of Norwich,

House bill, entitled

An act relating to permitting supervisory union boundary adjustments without State Board of Education involvement;

To the committee on Education.

H. 193

By Reps. Masland of Thetford and Cheney of Norwich,

House bill, entitled

An act relating to duties performed by supervisory unions on behalf of member districts;

To the committee on Education.

H. 194

By Reps. Masland of Thetford, Browning of Arlington, Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford and Yantachka of Charlotte,

House bill, entitled

An act relating to the siting and regulation of utility poles treated with wood preservatives;

To the committee on Natural Resources and Energy.

H. 195

By Reps. Masland of Thetford, Cheney of Norwich and Christie of Hartford,

House bill, entitled

An act relating to emergency management in municipalities;

To the committee on Government Operations.

H. 196

By Reps. Masland of Thetford, Burke of Brattleboro, Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford, McCullough of Williston, Stevens of Shoreham and Zagar of Barnard,

House bill, entitled

An act relating to a school bus alternative fuel pilot program;

To the committee on Transportation.

H. 197

By Reps. Masland of Thetford, Buxton of Tunbridge, Cheney of Norwich and Christie of Hartford,

House bill, entitled

An act relating to adding Vermont Route 132 to the state highway system;

To the committee on Transportation.

H. 198

By Reps. Kitzmiller of Montpelier, Botzow of Pownal, Kupersmith of South Burlington, Marcotte of Coventry and Young of Glover,

House bill, entitled

An act relating to the Legacy Insurance Management Act;

To the committee on Commerce and Economic Development.

H. 199

By Reps. Grad of Moretown and Fay of St. Johnsbury,

House bill, entitled

An act relating to protection orders and second degree domestic assault;

To the committee on Judiciary.

H. 200

By Reps. Pearson of Burlington, Komline of Dorset, Waite-Simpson of Essex, Burditt of West Rutland, Burke of Brattleboro, Clarkson of Woodstock, Cole of Burlington, Condon of Colchester, Cross of Winooski, Davis of Washington, Deen of Westminster, Donovan of Burlington, Fisher of Lincoln, Frank of Underhill, French of Randolph, Head of South Burlington, Hooper of Montpelier, Juskiewicz of Cambridge, Kitzmiller of Montpelier, Krowinski of Burlington, Macaig of Williston, Marek of Newfane, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, Michelsen of Hardwick, Mitchell of Fairfax, Mrowicki of Putney, O'Sullivan of Burlington, Peltz of Woodbury, Rachelson of Burlington, Ram of Burlington, Spengler of Colchester, Till of Jericho, Toleno of Brattleboro, Wizowaty of Burlington, Woodward of Johnson, Young of Glover and Zagar of Barnard,

House bill, entitled

An act relating to civil penalties for possession of marijuana;

To the committee on Judiciary.

H. 201

By Reps. Donahue of Northfield, Batchelor of Derby, Burditt of West Rutland, French of Randolph, Koch of Barre Town, McFaun of Barre Town, Poirier of Barre City, Till of Jericho, Toll of Danville and Woodward of Johnson,

House bill, entitled

An act relating to the Office of the Mental Health Care Ombudsman;

To the committee on Human Services.

Bill Referred to Committee on Appropriations**H. 60**

House bill, entitled

An act relating to providing state financial support for school meals for children of low-income households

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

**Committee Relieved of Consideration
and Bill Committed to Other Committee****H. 131**

Rep. Partridge of Windham moved that the committee on Agriculture be relieved of House bill, entitled

An act relating to harvesting guidelines and procurement standards

And that the bill be committed to the committee on Natural Resources and Energy, which was agreed to.

Committee Appointed

The Speaker appointed the following named members to the Legislative Council committee:

Speaker Smith of Morrisville

Rep. Clarkson of Woodstock

Rep. Martin of Wolcott

Rep. Turner of Milton

Joint Resolutions Adopted in Concurrence

Joint resolutions of the following titles were severally taken up and adopted on the part of the House;

J.R.S. 10

Joint resolution, entitled

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, entitled

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, entitled

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

Message from the Senate No. 12

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 Senate concurrent resolution of the following title:

S.C.R. 12. Senate concurrent resolution honoring Amelia Boynton Robinson, the Matriarch of the Voting Rights Movement.

Message from the Senate No. 13

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 13. Joint resolution relating to weekend adjournment.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 16. House concurrent resolution in memory of Margaret Munt of Williston.

H.C.R. 17. House concurrent resolution honoring former Representative Randolph and Beverly Major for their civic and community service in the town of Westminster.

H.C.R. 18. House concurrent resolution honoring Winifred Vogt on her receipt of a 2012 Successful Aging Award from Senior Solutions.

H.C.R. 19. House concurrent resolution designating January as National Mentoring Month in Vermont.

H.C.R. 20. House concurrent resolution congratulating *The Wake-up Crew with Bruce & Hobbes* radio show on receipt of the Alan P. Noyes Community Service Award from the Vermont Association of Broadcasters.

H.C.R. 21. House concurrent resolution recognizing the invaluable community contribution of ReBuild Waterbury to the post-Tropical Storm Irene recovery.

H.C.R. 22. House concurrent resolution honoring former Woodstock Union High School teacher and athletic director and retiring football coach Jim McLaughlin.

H.C.R. 23. House concurrent resolution in memory of former Representative and Senator Sanborn Partridge of Proctor.

H.C.R. 24. House concurrent resolution designating February 1, 2013 as Wear Red Day.

Adjournment

At ten o'clock and thirty-five minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one 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 the Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 16

House concurrent resolution in memory of Margaret Munt of Williston;

H.C.R. 17

House concurrent resolution honoring former Representative Randolph and Beverly Major for their civic and community service in the town of Westminster;

H.C.R. 18

House concurrent resolution honoring Winifred Vogt on her receipt of a 2012 Successful Aging Award from Senior Solutions;

H.C.R. 19

House concurrent resolution designating January as National Mentoring Month in Vermont;

H.C.R. 20

House concurrent resolution congratulating *The Wake-up Crew with Bruce & Hobbes* radio show on receipt of the Alan P. Noyes Community Service Award from the Vermont Association of Broadcasters;

H.C.R. 21

House concurrent resolution recognizing the invaluable community contribution of ReBuild Waterbury to the post-Tropical Storm Irene recovery;

H.C.R. 22

House concurrent resolution honoring former Woodstock Union High School teacher and athletic director and retiring football coach Jim McLaughlin;

H.C.R. 23

House concurrent resolution in memory of former Representative and Senator Sanborn Partridge of Proctor;

H.C.R. 24

House concurrent resolution designating February 1, 2013 as Wear Red Day;

S.C.R. 12

Senate concurrent resolution honoring Amelia Boynton Robinson, the Matriarch of the Voting Rights Movement;

[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 2013, seventy-second Adjourned session.]