

# Journal of the House

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**Friday, February 8, 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 Representative Kevin Christie singing the National Anthem.

## **Colors Presented**

Colors were presented by Boy Scout Troop 353 from Bennington, Vermont, Eagle Class 2012:

Peter Drew of Bennington  
Benjamin Faller of Bennington  
David Malinowski of Bennington  
Benjamin Doucette of Shaftsbury

## **Message from the Senate No. 14**

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. 14.** An act relating to payment of fair-share fees.

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

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

**S.C.R. 13.** Senate concurrent resolution in memory of former Representative and Senator Edgar May of Springfield.

## **New Member Appointed to Committee**

The Speaker appointed Rep. VanWyck of Ferrisburgh to the committee on General, Housing and Military Affairs.

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**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. 223**

By Rep. Deen of Westminster,

House bill, entitled

An act relating to shoreland protection requirements for lakes;

To the committee on Fish, Wildlife & Water Resources.

**H. 224**

By Reps. Ram of Burlington, Burke of Brattleboro and Wizowaty of Burlington,

House bill, entitled

An act relating to acupuncture coverage in Green Mountain Care;

To the committee on Health Care.

**H. 225**

By Reps. Masland of Thetford, Donahue of Northfield, Batchelor of Derby, Branagan of Georgia, Browning of Arlington, Clarkson of Woodstock, Consejo of Sheldon, Davis of Washington, Devereux of Mount Holly, Evans of Essex, Fisher of Lincoln, Haas of Rochester, Hooper of Montpelier, Kupersmith of South Burlington, Lanpher of Vergennes, Lenes of Shelburne, Lewis of Berlin, Macaig of Williston, Marcotte of Coventry, Martin of Springfield, Moran of Wardsboro, Pearson of Burlington, Ram of Burlington, Sharpe of Bristol, Shaw of Derby, Stevens of Waterbury, Till of Jericho, Townsend of Randolph, Townsend of South Burlington, Weed of Enosburgh, Yantachka of Charlotte and Zagar of Barnard,

House bill, entitled

An act relating to a statewide policy on the use of and training requirements for electronic control devices;

To the committee on Government Operations.

**H. 226**

By Rep. Marcotte of Coventry,

House bill, entitled

An act relating to the regulation of underground storage tanks;

To the committee on Fish, Wildlife & Water Resources.

**H. 227**

By Reps. Webb of Shelburne, Buxton of Tunbridge, Christie of Hartford, Deen of Westminster, Devereux of Mount Holly, Emmons of Springfield, Frank of Underhill, Hebert of Vernon, Helm of Fair Haven, Jerman of Essex, Krebs of South Hero, Lanpher of Vergennes, Pearson of Burlington, Rachelson of Burlington, South of St. Johnsbury, Stuart of Brattleboro and Yantachka of Charlotte,

House bill, entitled

An act relating to licensing and regulating property inspectors;

To the committee on Government Operations.

**H. 228**

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to water and sewer service;

To the committee on Government Operations.

**H. 229**

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to rental housing;

To the committee on General, Housing and Military Affairs.

**H. 230**

By Reps. Frank of Underhill, Mrowicki of Putney and Fisher of Lincoln,

House bill, entitled

An act relating to home visiting standards;

To the committee on Human Services.

**H. 231**

By Rep. Cheney of Norwich,

House bill, entitled

An act relating to electric vehicles;

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To the committee on Natural Resources and Energy.

**H. 232**

By Reps. Poirier of Barre City, Browning of Arlington, Buxton of Tunbridge, Cross of Winooski, Dakin of Chester, Davis of Washington, French of Randolph, Krowinski of Burlington, Macaig of Williston, McCormack of Burlington, McCullough of Williston, Moran of Wardsboro, Pearson of Burlington, Spengler of Colchester, Townsend of South Burlington, Wizowaty of Burlington and Woodward of Johnson,

House bill, entitled

An act relating to raising the personal income tax rates for the two highest brackets;

To the committee on Ways and Means.

**H. 233**

By Rep. Nuovo of Middlebury,

House bill, entitled

An act relating to making it illegal to take a photograph of a person without his or her consent, or to modify a photograph of a person without his or her consent, and to distribute it;

To the committee on Judiciary.

**H. 234**

By Reps. Sharpe of Bristol, Burke of Brattleboro, Clarkson of Woodstock, Dakin of Chester, Donovan of Burlington, Ellis of Waterbury, French of Randolph, Hooper of Montpelier, Jerman of Essex, Kitzmiller of Montpelier, Krowinski of Burlington, Kupersmith of South Burlington, Lanpher of Vergennes, Malcolm of Pawlet, Manwaring of Wilmington, Miller of Shaftsbury, Mook of Bennington, Mrowicki of Putney, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Peltz of Woodbury, Rachelson of Burlington, Ram of Burlington, Russell of Rutland City, Spengler of Colchester, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho, Toleno of Brattleboro, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester and Wizowaty of Burlington,

House bill, entitled

An act relating to the imposition of an excise tax on sugar-sweetened beverages;

To the committee on Ways and Means.

**H. 235**

By Reps. Partridge of Windham, Moran of Wardsboro, Nuovo of Middlebury, Spengler of Colchester, Trieber of Rockingham and Woodward of Johnson,

House bill, entitled

An act relating to permitting school districts to create a reserve fund without prior voter authorization;

To the committee on Education.

**H. 236**

By Reps. Partridge of Windham, Bartholomew of Hartland, Heath of Westford, Moran of Wardsboro, Spengler of Colchester, Trieber of Rockingham and Woodward of Johnson,

House bill, entitled

An act relating to audits of a school district's financial statements;

To the committee on Education.

**H. 237**

By Reps. Haas of Rochester and Frank of Underhill,

House bill, entitled

An act relating to palliative care and pain management;

To the committee on Human Services.

**H. 238**

By Reps. Lenex of Shelburne and Webb of Shelburne,

House bill, entitled

An act relating to motorboat registration periods;

To the committee on Transportation.

**H. 239**

By Reps. Botzow of Pownal and Partridge of Windham,

House bill, entitled

An act relating to information regarding the rights of landlords and tenants;

To the committee on General, Housing and Military Affairs.

**H. 240**

House bill, entitled

An act relating to Executive Branch fees

Under the rule, placed on the Calendar for notice.

**H. 241**

By Reps. Krowinski of Burlington, Buxton of Tunbridge, Christie of Hartford, Deen of Westminster, McCullough of Williston, Mrowicki of Putney, Nuovo of Middlebury, Pearson of Burlington, Pugh of South Burlington, Ram of Burlington, Sweaney of Windsor, Till of Jericho, Wizowaty of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and flame retardant known as Tris in consumer products;

To the committee on Human Services.

**H. 242**

By Reps. Jerman of Essex, Botzow of Pownal, Branagan of Georgia, Burke of Brattleboro, Buxton of Tunbridge, Carr of Brandon, Christie of Hartford, Cross of Winooski, Dickinson of St. Albans Town, Evans of Essex, Feltus of Lyndon, Frank of Underhill, Komline of Dorset, Krebs of South Hero, Krowinski of Burlington, Lanpher of Vergennes, Lenes of Shelburne, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Masland of Thetford, McCormack of Burlington, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington, Pearson of Burlington, Peltz of Woodbury, Potter of Clarendon, Rachelson of Burlington, Ram of Burlington, Russell of Rutland City, Spengler of Colchester, Stevens of Waterbury, Strong of Albany, Till of Jericho, Waite-Simpson of Essex, Weed of Enosburgh, Wright of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to creating the Vermont Strong Scholars Program;

To the committee on Education.

**H. 243**

By Reps. Clarkson of Woodstock, Ancel of Calais, Christie of Hartford, Cross of Winooski, Deen of Westminster, Evans of Essex, Greshin of Warren, Heath of Westford, Jerman of Essex, Kitzmiller of Montpelier, Kupersmith of

South Burlington, Myers of Essex, Nuovo of Middlebury, O'Sullivan of Burlington, Stevens of Waterbury, Waite-Simpson of Essex and Yantachka of Charlotte,

House bill, entitled

An act relating to negligent storage of a firearm;

To the committee on Judiciary.

**Senate Bill Referred**

**S. 14**

Senate bill, entitled

An act relating to payment of fair-share fees

Was read and referred to the committee on General, Housing and Military Affairs.

**Joint Resolution Placed on Calendar**

**J.R.H. 3**

Joint resolution supporting the Coalition for Captive Insurance Clarity

Offered by: Committee on Commerce and Economic Development

Whereas, in 2010, Congress enacted the Nonadmitted and Reinsurance Reform Act (NRRA), 15 U.S.C. §§ 8201–8206 as part of the Dodd-Frank Act, Pub. L. No. 111-203, and

Whereas, former U.S. Representative Judy Biggert of Illinois, who during the 112th Congress chaired the Subcommittee on Insurance, Housing and Community Opportunity of the House Committee on Financial Services and who was a supporter of the NRRA, wrote in a December 18, 2012 letter to the Chairman-elect and Ranking Member-elect of the full Committee that the NRRA was “intended to create certainty in the tax treatment and regulation of the surplus lines and in the reinsurance industry,” and stated unequivocally that it was never intended to include the captive insurance industry, and

Whereas, some states are misinterpreting NRRA’s definition of “Nonadmitted” to apply to the captive insurance industry, and

Whereas, the result of this incorrect interpretation is that the captive insurance companies are unsure of how to respond to the new tax requirements from these states, and

Whereas, the captive insurance industry serves an important role in the overall economic system, and it is important that incorrect interpretations of congressional intent not hamper the captive insurance industry, and

Whereas, it is detrimental to the captive insurance industry and the many companies that rely on captive insurance for their insurance needs for this incorrect interpretation of congressional intent to continue, and

Whereas, Vermont is one of more than 30 states that have enacted captive insurance laws, and

Whereas, Vermont has been a leading captive insurance domicile in the country since passage of 1981 VT. Acts and Resolves No. 28, related to captive insurance companies, and more captive insurance companies are domiciled in Vermont than in any other state, and

Whereas, the House and Senate committees with jurisdiction over insurance matters and Governor Peter Shumlin have expressed concern that the confusion over the applicability of the NRRA could be damaging to the captive insurance industry, and

Whereas, in an effort to clarify that the NRRA was not intended to be applicable to captive insurance companies, the Coalition for Captive Insurance Clarity has been formed, and the Vermont Captive Insurance Association has assumed the leadership role in this attempt “to coordinate efforts to amend the law and provide clear and definitive language regarding the captive insurance industry and the NRRA,” which would clarify that the NRRA does not apply to the captive insurance industry, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its support for the effort of the Coalition for Captive Insurance Clarity to persuade Congress to clarify that the Nonadmitted and Reinsurance Reform Act of 2010 is not applicable to the captive insurance industry, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Peter Shumlin and the Vermont Congressional Delegation.

Which was read and, in the Speaker’s discretion, placed on the Calendar for action on the next legislative day under Rule 52.



**Committee Appointed**

The Speaker appointed Reps. Davis of Washington, Young of Glover, Ram of Burlington and VanWyck of Ferrisburgh to the Information Technology committee.

**Message from the Senate No. 15**

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 bills of the following titles:

**S. 1.** An act relating to consideration of financial cost of criminal sentencing options.

**S. 3.** An act relating to allowing participation in out-of-state contests requiring a fee to enter.

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

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

**S.C.R. 14.** Senate concurrent resolution congratulating the 2012 Montpelier High School Division II championship girls' tennis team.

**S.C.R. 15.** Senate concurrent resolution congratulating Lotus Lake Camp on its 60th anniversary.

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

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

**H.C.R. 25.** House concurrent resolution congratulating the 2012 Woodstock Union High School Wasps Division III championship football team.

**H.C.R. 26.** House concurrent resolution congratulating Vermont Works for Women on its 25th anniversary.

**H.C.R. 27.** House concurrent resolution congratulating Jack Healey on winning his 20th Vermont Sportscaster of the Year award.

**H.C.R. 28.** House concurrent resolution congratulating the Vergennes

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Union High School 2012 Division II championship baseball team.

**H.C.R. 29.** House concurrent resolution honoring Robert Klein for his contributions to land conservation and ecological diversity preservation in Vermont.

### **Adjournment**

At nine o'clock and forty-five minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until Tuesday, February 12, 2013, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 13.

### **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. 24**

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

#### **H.C.R. 25**

House concurrent resolution congratulating the 2012 Woodstock Union High School Wasps Division III championship football team;

#### **H.C.R. 26**

House concurrent resolution congratulating Vermont Works for Women on its 25th anniversary;

#### **H.C.R. 27**

House concurrent resolution congratulating Jack Healey on winning his 20th Vermont Sportscaster of the Year award;

#### **H.C.R. 28**

House concurrent resolution congratulating the Vergennes Union High School 2012 Division II championship baseball team;

#### **H.C.R. 29**

House concurrent resolution honoring Robert Klein for his contributions to land conservation and ecological diversity preservation in Vermont;

**S.C.R. 13**

Senate concurrent resolution in memory of former Representative and Senator Edgar May of Springfield;

**S.C.R. 14**

Senate concurrent resolution congratulating the 2012 Montpelier High School Division II championship girls' tennis team;

**S.C.R. 15**

Senate concurrent resolution congratulating Lotus Lake Camp on its 60th anniversary;

[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.]