

# Journal of the House

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**Tuesday, February 26, 2013**

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

## **Devotional Exercises**

Devotional exercises were conducted by Rev. Paul Habersang of Christ Episcopal Church, Montpelier, Vt.

## **Pledge of Allegiance**

**Page Samuel Carpenter of Cabot** led the House in the Pledge of Allegiance.

## **Message from the Senate No. 21**

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 House proposal of amendment to Senate proposal of amendment to House bill of the following title:

**H. 47.** An act relating to fiscal year 2013 budget adjustment.

And has concurred therein.

## **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. 357**

By Rep. O'Sullivan of Burlington,

House bill, entitled

An act relating to execution of court judgments on personal property;

To the committee on Judiciary.

### **H. 358**

By Reps. Campion of Bennington, Christie of Hartford, Juskiewicz of Cambridge, Kupersmith of South Burlington, Lanpher of Vergennes, Mook of

Bennington, O'Sullivan of Burlington, Rachelson of Burlington and Stuart of Brattleboro,

House bill, entitled

An act relating to teacher education programs;

To the committee on Education.

**H. 359**

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

House bill, entitled

An act relating to limiting liability in the enhanced 911 system;

To the committee on Judiciary.

**H. 360**

By Rep. Kitzmiller of Montpelier,

House bill, entitled

An act relating to the historic preservation of and curatorial requirements for the Vermont State House and historic state buildings;

To the committee on Corrections and Institutions.

**H. 361**

By Rep. Buxton of Tunbridge,

House bill, entitled

An act relating to utility reconnection and change of account fees;

To the committee on Commerce and Economic Development.

**H. 362**

By Reps. Botzow of Pownal and Marcotte of Coventry,

House bill, entitled

An act relating to automobile insurance and aftermarket parts;

To the committee on Commerce and Economic Development.

**H. 363**

By Rep. Poirier of Barre City,  
House bill, entitled  
An act relating to VPharm premium adjustment;  
To the committee on Health Care.

**H. 364**

By Rep. Buxton of Tunbridge,  
House bill, entitled  
An act relating to replacement prescriptions for controlled substances;  
To the committee on Human Services.

**H. 365**

By Rep. Cheney of Norwich,  
House bill, entitled  
An act relating to Act 250 jurisdiction in flood hazard areas and river corridors;  
To the committee on Fish, Wildlife & Water Resources.

**H. 366**

By Rep. Cheney of Norwich,  
House bill, entitled  
An act relating to net metering systems serving industrial facilities and to solar electric generation;  
To the committee on Natural Resources and Energy.

**H. 367**

By Reps. Pearson of Burlington, Moran of Wardsboro, Christie of Hartford, Cole of Burlington, Connor of Fairfield, Cross of Winooski, Davis of Washington, Fay of St. Johnsbury, French of Randolph, Kitzmiller of Montpelier, Krowinski of Burlington, Macaig of Williston, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington, Peltz of Woodbury, Ram of Burlington, Spengler of Colchester, Stevens of Waterbury, Toleno of Brattleboro, Townsend of Randolph, Townsend of South Burlington, Weed of Enosburgh, Wizowaty of Burlington, Woodward of Johnson, Yantachka of Charlotte and Zagar of Barnard,

House bill, entitled

An act relating to making changes to Vermont's tax code;

To the committee on Ways and Means.

**H. 368**

By Reps. Partridge of Windham and Trieber of Rockingham,

House bill, entitled

An act relating to creating a refundable tax credit for manufacturers and rectifiers of distilled spirits;

To the committee on Ways and Means.

**H. 369**

By Rep. Zagar of Barnard,

House bill, entitled

An act relating to actions against town residents who petition town government;

To the committee on Government Operations.

**H. 370**

By Reps. Evans of Essex, Buxton of Tunbridge, Christie of Hartford, Cole of Burlington, Davis of Washington, Donovan of Burlington, Haas of Rochester, Keenan of St. Albans City, Krowinski of Burlington, Lenex of Shelburne, Macaig of Williston, Martin of Wolcott, McCarthy of St. Albans City, McCormack of Burlington, McFaun of Barre Town, Mook of Bennington, Moran of Wardsboro, O'Sullivan of Burlington, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Ram of Burlington, South of St. Johnsbury, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho, Townsend of Randolph, Townsend of South Burlington, Weed of Enosburgh and Wizowaty of Burlington,

House bill, entitled

An act relating to collective bargaining for state's attorneys;

To the committee on General, Housing and Military Affairs.

**H. 371**

By Reps. Trieber of Rockingham, Burditt of West Rutland, Mitchell of Fairfax, Partridge of Windham and Pugh of South Burlington,

House bill, entitled

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An act relating to prohibiting the termination of probation before restitution is completed;

To the committee on Corrections and Institutions.

**H. 372**

By Reps. Champion of Bennington, Bartholomew of Hartland, Branagan of Georgia, Christie of Hartford, Conquest of Newbury, McCullough of Williston, O'Sullivan of Burlington, Strong of Albany and Stuart of Brattleboro,

House bill, entitled

An act relating to a media campaign regarding the impact of feral and free-ranging cats on populations of migratory birds and other vulnerable species in Vermont;

To the committee on Fish, Wildlife & Water Resources.

**H. 373**

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to updating and reorganizing Title 33;

To the committee on Human Services.

**H. 374**

By Rep. Zagar of Barnard,

House bill, entitled

An act relating to the installation of satellite dishes on rental property;

To the committee on General, Housing and Military Affairs.

**H. 375**

By Reps. Weed of Enosburgh, Burke of Brattleboro, Buxton of Tunbridge, Christie of Hartford, Cole of Burlington, Connor of Fairfield, Davis of Washington, French of Randolph, Haas of Rochester, Krowinski of Burlington, Lenex of Shelburne, Macaig of Williston, Martin of Wolcott, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, Michelsen of Hardwick, Moran of Wardsboro, O'Sullivan of Burlington, Pearson of Burlington, Poirier of Barre City, Ram of Burlington, Stevens of Waterbury, Till of Jericho and Wizowaty of Burlington,

House bill, entitled

An act relating to the expansion of Vermont's bottle bill;  
To the committee on Natural Resources and Energy.

**H. 376**

By Rep. Fisher of Lincoln,  
House bill, entitled  
An act relating to the Vermont National Guard;  
To the committee on General, Housing and Military Affairs.

**H. 377**

By Reps. Ralston of Middlebury, Botzow of Pownal, Bouchard of Colchester, Carr of Brandon, Cross of Winooski, Dickinson of St. Albans Town, Kitzmiller of Montpelier, Kupersmith of South Burlington, Marcotte of Coventry, Scheuermann of Stowe and Young of Glover,

House bill, entitled

An act relating to neighborhood planning and development for municipalities with designated centers;

To the committee on Commerce and Economic Development.

**H. 378**

By Reps. Scheuermann of Stowe, Bouchard of Colchester, Brennan of Colchester, Donaghy of Poultney, Donahue of Northfield, Komline of Dorset, Morrissey of Bennington, Myers of Essex, Shaw of Pittsford and Strong of Albany,

House bill, entitled

An act relating to changing the structure of education governance and funding;

To the committee on Education.

**H. 379**

By Rep. Smith of New Haven,

House bill, entitled

An act relating to distance learning opportunities for students enrolled in the University of Vermont and the Vermont State Colleges;

To the committee on Education.

**H. 380**

By Rep. Smith of New Haven,

House bill, entitled

An act relating to expanding school choice and authorizing the creation of charter schools;

To the committee on Education.

**H. 381**

By Rep. Smith of New Haven,

House bill, entitled

An act relating to creating elementary and middle school public school choice;

To the committee on Education.

**H. 382**

By Reps. Brennan of Colchester, Wright of Burlington, Batchelor of Derby, Beyor of Highgate, Bissonnette of Winooski, Bouchard of Colchester, Burditt of West Rutland, Buxton of Tunbridge, Canfield of Fair Haven, Christie of Hartford, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Corcoran of Bennington, Cupoli of Rutland City, Donaghy of Poultney, Evans of Essex, Fagan of Rutland City, Gage of Rutland City, Greshin of Warren, Hebert of Vernon, Higley of Lowell, Hubert of Milton, Jerman of Essex, Juskiewicz of Cambridge, Keenan of St. Albans City, Kilmartin of Newport City, Komline of Dorset, Lawrence of Lyndon, Lewis of Berlin, McCarthy of St. Albans City, McFaun of Barre Town, Morrissey of Bennington, Myers of Essex, Peltz of Woodbury, Potter of Clarendon, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Sharpe of Bristol, Shaw of Pittsford, Stevens of Shoreham, Strong of Albany, Till of Jericho, Van Wyck of Ferrisburgh, Waite-Simpson of Essex, Wilson of Manchester and Woodward of Johnson,

House bill, entitled

An act relating to the qualifications for candidates for Adjutant and Inspector General;

To the committee on General, Housing and Military Affairs.

**H. 383**

By Rep. Smith of New Haven,

House bill, entitled

An act relating to freezing appraisal values for taxpayers 65 years of age and older until subsequent transfer;

To the committee on Ways and Means.

**H. 384**

By Rep. Hooper of Montpelier,

House bill, entitled

An act relating to a downtown transportation management plan;

To the committee on Commerce and Economic Development.

**H. 385**

By Rep. Clarkson of Woodstock,

House bill, entitled

An act relating to service of malt and vinous beverages by libraries;

To the committee on General, Housing and Military Affairs.

**H. 386**

By Rep. Clarkson of Woodstock,

House bill, entitled

An act relating to the state native insect;

To the committee on General, Housing and Military Affairs.

**H. 387**

By Rep. Buxton of Tunbridge,

House bill, entitled

An act relating to prohibiting the operation of motor vehicles with snow and ice that obstruct the driver's view;

To the committee on Transportation.

**H. 388**

By Rep. Smith of New Haven,

House bill, entitled

An act relating to amending the required contents of driver's licenses and nondriver identification cards;

To the committee on Transportation.



**H. 389**

By Rep. Trieber of Rockingham,

House bill, entitled

An act relating to disbursement from the Petroleum Cleanup Fund;

To the committee on Fish, Wildlife & Water Resources.

**H. 390**

By Reps. Lenex of Shelburne, Hooper of Montpelier, Macaig of Williston and South of St. Johnsbury,

House bill, entitled

An act relating to elimination periods for long-term care insurance policies;

To the committee on Commerce and Economic Development.

**H. 391**

By Rep. Copeland-Hanzas of Bradford,

House bill, entitled

An act relating to evidence-based prescription drug information for Vermont consumers;

To the committee on Health Care.

**H. 392**

By Reps. Kupersmith of South Burlington, Head of South Burlington, Pugh of South Burlington and Townsend of South Burlington,

House bill, entitled

An act relating to approval of an amendment to the charter of the City of South Burlington regarding the Office of the City Clerk;

To the committee on Government Operations.

**H. 393**

By Reps. Kupersmith of South Burlington, Head of South Burlington, Pugh of South Burlington and Townsend of South Burlington,

House bill, entitled

An act relating to approval of an amendment to the charter of the City of South Burlington regarding the Library Department;

To the committee on Government Operations.

**H. 394**

By Rep. Deen of Westminster,

House bill, entitled

An act relating to authorizing the Secretary of Natural Resources to make site-specific resource determinations;

To the committee on Fish, Wildlife & Water Resources.

**H. 395**

By the committee on Commerce and Economic Development,

An act relating to the establishment of the Vermont Clean Energy Loan Fund;

Under the rule, placed on the Calendar for notice.

**Joint Resolution Placed on Calendar****J.R.H. 6**

Joint resolution relating to the Sandy Hook shootings and the public education environment in Vermont

Offered by: Representatives Peltz of Woodbury and Buxton of Tunbridge

Whereas, following the mass shootings at the Sandy Hook Elementary School in Newtown, Connecticut, we, as a nation, have had time to reflect collectively on who we are and how best to respond to the slaughter of the innocents, and

Whereas, the General Assembly rejects the singular response of meeting force with force, and

Whereas, alternatively, the General Assembly embraces a Vermont commitment that the mental, physical, and nutritional health of our students and their caregivers is addressed with the same level of attention and concern as is our students' academic and cognitive achievement, and

Whereas, Vermont schools must offer a learning environment that encourages all students to attain mastery of academic content, to practice generosity, to experience belonging, and to realize independence in their daily lives, now therefore be it

Resolved by the Senate and House of Representatives:

That the tears of Sandy Hook and our nation will not fall on fallow ground but will give rise to a rededication to our goal of maintaining safe and healthy schools, and be it further

Resolved: That the General Assembly declares Vermont to be a state in which equity, caring, and safety, both emotional and physical, are evident in all of our schools' practices.

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

**Bill Read the Second Time; Proposal of Amendment Agreed to  
and Third Reading Ordered**

**S. 2**

**Rep. Wizowaty of Burlington**, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to sentence calculations

Recommended that the bill ought to pass in concurrence.

**Rep. Myers of Essex**, for the committee on Corrections and Institutions, recommended that the House propose to the Senate that the bill be amended as follows:

In Sec. 3 (Effective Date), by striking "on July 1, 2013" and inserting in lieu thereof "upon passage"

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committees on Judiciary and Corrections and Institutions agreed to and third reading ordered.

**Adjournment**

At ten o'clock and forty-five minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.