

Journal of the House

Friday, April 19, 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 Wrensong, a Renaissance a cappella singing group from the Upper Valley.

Message from the Senate No. 44

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. 71. An act relating to tobacco products.

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

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 131. An act relating to harvesting guidelines and procurement standards.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Hartwell
Senator Rodgers
Senator Snelling

Rules Suspended; Bill Committed

H. 152

On motion of **Rep. Deen of Westminster**, the rules were suspended and House bill, entitled

An act relating to the Route 102 resurfacing project

Appearing on the Calendar for notice, was taken up for immediate consideration. Pending the reading of the report of the committee on Fish, Wildlife & Water Resources, on motion of **Rep. Deen of Westminster**, the bill was committed to the committee on Transportation.

Bill Amended, Read Third Time and Passed

H. 536

House bill, entitled

An act relating to the Adjutant and Inspector General and the Vermont National Guard

Was taken up and pending third reading of the bill, **Rep. Head of South Burlington** moved to amend the bill as follows:

First: By striking Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read:

Sec. 1. 2 V.S.A. § 12 is amended to read:

§ 12. LEGISLATIVE ELECTIONS; UNIFORM BALLOTS

(a) Whenever there is a known contested election for ~~speaker of the house of representatives~~ Speaker of the House of Representatives, ~~president pro tempore of the senate~~ President Pro Tempore of the Senate, and in elections by the joint assembly of the ~~legislature~~ General Assembly, the ~~secretary of state~~ Secretary of State shall prepare a ballot for each office, listing the names of the known candidates for the office in the alphabetical order of their surnames, and leaving thereon sufficient blank spaces to take care of any nominations from the floor.

(b) A candidate for office, ~~other than a candidate for Adjutant and Inspector General~~, shall, not later than one week preceding the election, notify the ~~secretary of state~~ Secretary of State in writing of his or her candidacy, naming the particular office. If he or she fails so to notify the ~~secretary of state~~ Secretary of State, his or her name shall not be printed on the ballot. No ballot may be used other than the official ballot provided by the ~~secretary of state~~ Secretary of State.

(c) A candidate for Adjutant and Inspector General shall:

(1) be a resident of Vermont;

(2) have served in the U.S. Armed Forces and attained at least the rank of Lieutenant Colonel;

(3) be a commissioned officer or a former commissioned officer of the Army, Air Force, Air National Guard, Army National Guard, Army Reserves, or Air Force Reserves;

(4) be a current member of the U.S. Armed Forces or be capable of being brought back to active service; and

(5) be a graduate of a Senior Service college (SSC) or be able to complete the course of study by the end of the first two-year term.

Second: By striking Secs. 3 and 4 in their entirety and inserting in lieu thereof new Secs. 3 and 4 to read:

Sec. 3. 20 V.S.A. § 370 is added to read:

§ 370. ADJUTANT AND INSPECTOR GENERAL REVIEW

BOARD

(a) A board is created to review nominees for Adjutant and Inspector General.

(b)(1) The Board shall consist of 10 members who shall be selected as follows:

(A) The Senate shall elect four of its members, not all of whom shall be members of the same party.

(B) The House shall elect four of its members, not all of whom shall be members of the same party.

(C) The Governor shall appoint two ex officio members who shall have served in the U.S. Armed Forces.

(2) The members of the Board appointed by the Governor shall serve for terms of two years and may serve for no more than three terms. The members of the Board elected by the House and Senate shall serve for terms of two years and may serve for no more than three consecutive terms. All appointments or elections shall be between January 1 and February 1 of each odd-numbered year, except to fill a vacancy. Members shall serve until their successors are elected or appointed.

(3) The members shall elect their own chair who will serve for a term of two years.

(c) Legislative members of the Board shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 406. Members of the Board who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses in the same manner as Board members are compensated under 32 V.S.A. § 1010. All compensation and reimbursement shall be paid from the legislative appropriation.

(d) The Board shall adopt rules under 3 V.S.A. chapter 25 which shall establish criteria, standards, and timelines for the nomination and review of qualified candidates for Adjutant and Inspector General. The standards and criteria shall include command experience, security clearance, officer efficiency reports, integrity, health, and administrative and communicative skills. Any candidate that meets the requirements of 2 V.S.A. § 12(c) shall be included on the list of candidates submitted to the General Assembly pursuant to section 371 of this title.

(e) All proceedings of the Board, including the names of candidates considered by the Board and information about any candidate, shall remain confidential until the list of candidates is submitted to the General Assembly.

(f) A quorum of the Board shall consist of six voting members.

(g) The Board is authorized to use the staff and services of appropriate state agencies and departments as necessary to conduct investigations of applicants.

Sec. 4. 20 V.S.A. § 371 is added to read:

§ 371. DUTIES OF REVIEW BOARD

The Board shall biennially submit a report and a list of candidates for Adjutant and Inspector General to the General Assembly prior to the election of the Adjutant and Inspector General. The list shall constitute the complete list of all candidates for the General Assembly to vote on pursuant to 2 V.S.A. § 12.

Which was agreed to. Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Jerman of Essex** 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 pass? was decided in the affirmative. Yeas, 140. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Beyor of Highgate	Bouchard of Colchester
Bartholomew of Hartland	Bissonnette of Winooski	Branagan of Georgia
Batchelor of Derby	Botzow of Pownal	Brennan of Colchester

Browning of Arlington	Helm of Fair Haven	Partridge of Windham
Burditt of West Rutland	Higley of Lowell	Pearce of Richford
Burke of Brattleboro	Hooper of Montpelier	Pearson of Burlington
Buxton of Tunbridge	Hubert of Milton	Peltz of Woodbury
Campion of Bennington	Huntley of Cavendish	Poirier of Barre City
Canfield of Fair Haven	Jerman of Essex	Potter of Clarendon
Carr of Brandon	Jewett of Ripton	Pugh of South Burlington
Cheney of Norwich	Johnson of South Hero	Quimby of Concord
Christie of Hartford	Johnson of Canaan	Rachelson of Burlington
Clarkson of Woodstock	Juskiewicz of Cambridge	Ralston of Middlebury
Cole of Burlington	Keenan of St. Albans City	Ram of Burlington
Condon of Colchester	Kitzmiller of Montpelier	Russell of Rutland City
Connor of Fairfield	Klein of East Montpelier	Savage of Swanton
Conquest of Newbury	Koch of Barre Town	Scheuermann of Stowe
Copeland-Hanzas of Bradford	Komline of Dorset	Sharpe of Bristol
Corcoran of Bennington	Krebs of South Hero	Shaw of Pittsford
Cupoli of Rutland City	Krowinski of Burlington	Shaw of Derby
Dakin of Chester	Kupersmith of South Burlington	Smith of New Haven
Devin of Washington	Lanpher of Vergennes	South of St. Johnsbury
Deen of Westminster	Larocque of Barnet	Stevens of Waterbury
Devereux of Mount Holly	Lawrence of Lyndon	Stevens of Shoreham
Dickinson of St. Albans Town	Lenes of Shelburne	Sweaney of Windsor
Donaghy of Poultney	Macaig of Williston	Taylor of Barre City
Donahue of Northfield	Malcolm of Pawlet	Terenzini of Rutland Town
Donovan of Burlington	Manwaring of Wilmington	Till of Jericho
Ellis of Waterbury	Marcotte of Coventry	Toleno of Brattleboro
Emmons of Springfield	Marek of Newfane	Toll of Danville
Evans of Essex	Martin of Springfield	Townsend of Randolph
Fagan of Rutland City	Martin of Wolcott	Townsend of South Burlington
Fay of St. Johnsbury	Masland of Thetford	Trieber of Rockingham
Feltus of Lyndon	McCarthy of St. Albans City	Turner of Milton
Fisher of Lincoln	McCormack of Burlington	Van Wyck of Ferrisburgh
Frank of Underhill	McFaun of Barre Town	Vowinkel of Hartford
French of Randolph	Michelsen of Hardwick	Waite-Simpson of Essex
Gage of Rutland City	Miller of Shaftsbury	Webb of Shelburne
Gallivan of Chittenden	Mitchell of Fairfax	Weed of Enosburgh
Goodwin of Weston	Mook of Bennington	Wilson of Manchester
Grad of Moretown	Moran of Wardsboro	Winters of Williamstown
Greshin of Warren	Morrissey of Bennington	Wizowaty of Burlington
Haas of Rochester	Mrowicki of Putney	Woodward of Johnson
Head of South Burlington	Myers of Essex	Wright of Burlington *
Heath of Westford	Nuovo of Middlebury	Yantachka of Charlotte
Hebert of Vernon	O'Brien of Richmond	Young of Glover
	O'Sullivan of Burlington	Zagar of Barnard

Those who voted in the negative are: none

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

Consejo of Sheldon	Lewis of Berlin	Spengler of Colchester
Cross of Winooski	Lippert of Hinesburg	Strong of Albany
Kilmartin of Newport City	McCullough of Williston	Stuart of Brattleboro

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

I support this bill because it addresses at least three important issues; it improves the selection process of Adjutant General by requiring that only qualified candidates apply in the future. It also creates an important review board to deal with sensitive and potentially confidential issues. Lastly, the bill requires a report on the issue of sexual assault and harassment involving members of the guard. This is a good bill.”

Adjournment

At ten o'clock and twenty-two minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, April 23, 2013, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 26.

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. 105

House concurrent resolution congratulating the 2013 Proctor High School Phantoms Division IV championship girls' basketball team;

H.C.R. 106

House concurrent resolution congratulating the 2012 Proctor High School Phantoms Division IV championship boys' soccer team;

H.C.R. 107

House concurrent resolution congratulating The Palms Restaurant on its 80th anniversary;

H.C.R. 108

House concurrent resolution commemorating the 60th anniversary of the

Korean War Armistice Agreement;

H.C.R. 109

House concurrent resolution commemorating the sescentennial anniversary of the town of Newbury;

H.C.R. 110

House concurrent resolution designating April 24, 2013 as National Walk@Lunch Day in Vermont;

H.C.R. 111

House concurrent resolution commemorating the sescentennial anniversary of the Town of Essex;

H.C.R. 112

House concurrent resolution designating April 26 as Long-Term Care Ombudsman Day in Vermont;

H.C.R. 113

House concurrent resolution congratulating the 2013 Champlain Valley Union High School Redhawks Division I championship girls' basketball team;

H.C.R. 114

House concurrent resolution congratulating the Vermont Debate and Forensics League State Tournament champions at Champlain Valley Union High School;

H.C.R. 115

House concurrent resolution congratulating the 2013 Champlain Valley Union High School Redhawks Division I championship girls' and boys' Nordic ski teams;

S.C.R. 22

Senate concurrent resolution congratulating Margaret Jane Kelly of Barre on her 90th birthday;

S.C.R. 23

Senate concurrent resolution designating April 19, 2013 as Vermont Golf Day.;

[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.]