

Journal of the House

Tuesday, January 28, 2014

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Pledge of Allegiance

Page Christian Bolding of Northfield, led the House in the Pledge of Allegiance.

Message from the Senate No. 9

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 Governor has informed the Senate that on the twenty-third day of January, 2014, he approved and signed a bill originating in the Senate of the following title:

S. 82. An act relating to campaign finance law.

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

H.C.R. 190. House concurrent resolution congratulating the Twin Valley High School Wildcats 2013 Division IV championship boys' soccer team.

H.C.R. 191. House concurrent resolution honoring Dr. Fred Holmes and documentary filmmaker Bess O'Brien for their efforts to address youth opiate addiction in Vermont.

H.C.R. 192. House concurrent resolution honoring David Palmer for his public service in Central Vermont.

H.C.R. 193. House concurrent resolution congratulating the 2013 Essex High School Hornets championship boys' volleyball club.

H.C.R. 194. House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship field hockey team.

H.C.R. 195. House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship boys' track and field team.

H.C.R. 196. House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship girls' track and field team.

H.C.R. 197. House concurrent resolution congratulating the 2013 Woodstock Union High School Wasps Division III championship football team.

H.C.R. 198. House concurrent resolution congratulating Eileen Rossetti on being named a 2013 Vermont Outstanding Teacher.

H.C.R. 199. House concurrent resolution congratulating Michael Coyle on his selection as the 2013 Washington West Supervisory Union Teacher of the Year.

H.C.R. 200. House concurrent resolution congratulating Meg Allison on being named a 2013 Vermont Outstanding Teacher.

H.C.R. 201. House concurrent resolution congratulating the Stoweflake Mountain Resort & Spa on its golden anniversary.

H.C.R. 202. House concurrent resolution congratulating the Golden Eagle Resort on its 50th anniversary.

H.C.R. 203. House concurrent resolution recognizing the commitment of Cape Air to serving Rutland.

H.C.R. 204. House concurrent resolution recognizing the important health care contribution of nurse anesthetists in Vermont.

H.C.R. 205. House concurrent resolution congratulating Shelby Meunier of Swanton on her participation in the 2013 Macy's Thanksgiving Day Parade Great American Marching Band.

Message from the Senate No. 10

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. 42. Joint resolution relating to weekend adjournment.

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

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 703

By Reps. Browning of Arlington, Scheuermann of Stowe, Bouchard of Colchester, Brennan of Colchester, Christie of Hartford, Condon of Colchester, Cupoli of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Fagan of Rutland City, Gage of Rutland City, Goodwin of Weston, Greshin of Warren, Hebert of Vernon, Komline of Dorset, Morrissey of Bennington, Myers of Essex, Ralston of Middlebury and Wilson of Manchester,

House bill, entitled

An act relating to making participation in the Exchange optional;

To the committee on Health Care.

H. 704

By Reps. Brennan of Colchester, Beyor of Highgate, Bissonnette of Winooski, Burke of Brattleboro, Canfield of Fair Haven, Corcoran of Bennington, Gallivan of Chittenden, Hebert of Vernon, McCarthy of St. Albans City, Scheuermann of Stowe, Shaw of Derby and Terenzini of Rutland Town,

House bill, entitled

An act relating to malt, vinous, and spirituous beverage tastings;

To the committee on General, Housing and Military Affairs.

H. 705

By Reps. Fisher of Lincoln and Donahue of Northfield,

House bill, entitled

An act relating to repealing the Mental Health Care Ombudsman statute;

To the committee on Human Services.

H. 706

By Reps. Keenan of St. Albans City, Branagan of Georgia, McCarthy of St. Albans City, Weed of Enosburgh, Connor of Fairfield, Consejo of Sheldon, Dickinson of St. Albans Town, Fagan of Rutland City, Krowinski of Burlington, Michelsen of Hardwick and Toleno of Brattleboro,

House bill, entitled

An act relating to prohibiting the possession of firearms and other dangerous or deadly weapons on any school property;

To the committee on Judiciary.

H. 707

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to lowering the DUI blood alcohol limit from 0.08 to 0.05;

To the committee on Judiciary.

H. 708

By Rep. Greshin of Warren,

House bill, entitled

An act relating to electronic signatures in election petitions;

To the committee on Government Operations.

H. 709

By Rep. Dickinson of St. Albans Town,

House bill, entitled

An act relating to exempting transactions between suppliers and contractors, subcontractors, and repairmen from Vermont's sales tax;

To the committee on Ways and Means.

H. 710

By Reps. Pearson of Burlington, Burke of Brattleboro, Grad of Moretown and Ram of Burlington,

House bill, entitled

An act relating to Medicaid coverage for acupuncture;

To the committee on Health Care.

H. 711

By Reps. Sharpe of Bristol, Buxton of Tunbridge, Conquest of Newbury, Davis of Washington, Donovan of Burlington, Emmons of Springfield, Fisher of Lincoln, Haas of Rochester, Hooper of Montpelier, Koch of Barre Town, Komline of Dorset, Krowinski of Burlington, Macaig of Williston, Martin of

Wolcott, McFaun of Barre Town, Miller of Shaftsbury, Mrowicki of Putney, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Pugh of South Burlington, Stevens of Shoreham, Stuart of Brattleboro, Taylor of Barre City, Toleno of Brattleboro and Woodward of Johnson,

House bill, entitled

An act relating to an unemployment insurance slope;

To the committee on Commerce and Economic Development.

H. 712

By Reps. Waite-Simpson of Essex, Pearson of Burlington and Burditt of West Rutland,

House bill, entitled

An act relating to a study of a noncriminal, public health approach to illicit drug use;

To the committee on Health Care.

H. 713

By Reps. Terenzini of Rutland Town, Beyor of Highgate, Branagan of Georgia, Burditt of West Rutland, Canfield of Fair Haven, Cupoli of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Gage of Rutland City, Helm of Fair Haven, Hoyt of Norwich, Huntley of Cavendish, Johnson of Canaan, Juskiewicz of Cambridge, Malcolm of Pawlet, Mook of Bennington, Myers of Essex, Quimby of Concord, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Van Wyck of Ferrisburgh and Winters of Williamstown,

House bill, entitled

An act relating to reporting of assaults on correctional officers;

To the committee on Corrections and Institutions.

H. 714

By Reps. Ram of Burlington, Buxton of Tunbridge, Clarkson of Woodstock, Fay of St. Johnsbury, Grad of Moretown, Haas of Rochester, Komline of Dorset, Krowinski of Burlington, Lanpher of Vergennes, Martin of Springfield, O'Sullivan of Burlington, Pugh of South Burlington, Rachelson of Burlington, Spengler of Colchester, Strong of Albany, Sweaney of Windsor, Toll of Danville, Waite-Simpson of Essex and Wilson of Manchester,

House bill, entitled

An act relating to nonconsensual disclosure of sexually-explicit images;

To the committee on Judiciary.

H. 715

By Reps. Michelsen of Hardwick, Fay of St. Johnsbury, Partridge of Windham, Stevens of Waterbury, Toleno of Brattleboro, Woodward of Johnson and Young of Glover,

House bill, entitled

An act relating to the appointment of an attorney for a child in abuse prevention proceedings;

To the committee on Judiciary.

H. 716

By Reps. Michelsen of Hardwick, Toleno of Brattleboro, Young of Glover and Zagar of Barnard,

House bill, entitled

An act relating to permitting the netting of partnership losses for the purposes of calculating household income;

To the committee on Ways and Means.

H. 717

By Reps. Gage of Rutland City, Batchelor of Derby, Beyor of Highgate, Branagan of Georgia, Canfield of Fair Haven, Christie of Hartford, Cupoli of Rutland City, Donaghy of Poultney, Hebert of Vernon, Helm of Fair Haven, Kilmartin of Newport City, Koch of Barre Town, Lawrence of Lyndon, Marcotte of Coventry, Savage of Swanton, Shaw of Derby, Smith of New Haven, Strong of Albany, Terenzini of Rutland Town, Van Wyck of Ferrisburgh and Winters of Williamstown,

House bill, entitled

An act relating to abortions and insurance coverage;

To the committee on Health Care.

H. 718

By Rep. Batchelor of Derby,

House bill, entitled

An act relating to approval of amendments to the charter of the Village of Derby Line;

To the committee on Government Operations.

H. 719

By Reps. Bartholomew of Hartland, Terenzini of Rutland Town and Zagar of Barnard,

House bill, entitled

An act relating to prevention of double taxation of retirement benefits from other states;

To the committee on Ways and Means.

H. 720

By Rep. Ellis of Waterbury,

House bill, entitled

An act relating to reciprocal recognition of learner's permits;

To the committee on Transportation.

H. 721

By Rep. Zagar of Barnard,

House bill, entitled

An act relating to motorcycle helmets;

To the committee on Transportation.

H. 722

By Reps. Johnson of South Hero, Ancel of Calais, Branagan of Georgia, Buxton of Tunbridge, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Condon of Colchester, Cupoli of Rutland City, Donovan of Burlington, Fagan of Rutland City, Goodwin of Weston, Greshin of Warren, Heath of Westford, Helm of Fair Haven, Juskiewicz of Cambridge, Keenan of St. Albans City, Manwaring of Wilmington, Masland of Thetford, Miller of Shaftsbury, O'Brien of Richmond, Pearce of Richford, Rachelson of Burlington, Ram of Burlington, Sharpe of Bristol, Stuart of Brattleboro, Toll of Danville, Wilson of Manchester and Winters of Williamstown,

House bill, entitled

An act relating to federal funding of public education;

To the committee on Education.

H. 723

By Reps. Dickinson of St. Albans Town, Campion of Bennington, Cupoli of Rutland City, Goodwin of Weston, Juskiewicz of Cambridge, Lewis of Berlin, McFaun of Barre Town, Stuart of Brattleboro and Waite-Simpson of Essex,

House bill, entitled

An act relating to the Vermont Enhanced Diploma;

To the committee on Education.

H. 724

By Reps. Kitzmiller of Montpelier, Botzow of Pownal, Bouchard of Colchester, Carr of Brandon, Marcotte of Coventry, Ralston of Middlebury and Scheuermann of Stowe,

House bill, entitled

An act relating to the process of licensing travel insurance agents;

To the committee on Commerce and Economic Development.

H. 725

By Reps. Burke of Brattleboro and Mrowicki of Putney,

House bill, entitled

An act relating to stone masonry and stone wall design standards;

To the committee on Transportation.

H. 726

By Reps. Burke of Brattleboro, Clarkson of Woodstock, Gallivan of Chittenden, Lanpher of Vergennes, Russell of Rutland City and Toleno of Brattleboro,

House bill, entitled

An act relating to municipal authority to set speed limits;

To the committee on Transportation.

H. 727

By Rep. Stevens of Shoreham,

House bill, entitled

An act relating to executive sessions under the Vermont Open Meeting Law;

To the committee on Government Operations.

H. 728

By Reps. French of Randolph and Donahue of Northfield,

House bill, entitled

An act relating to developmental services' system of care;

To the committee on Human Services.

H. 729

By Reps. Johnson of Canaan, Batchelor of Derby, Beyor of Highgate, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Christie of Hartford, Condon of Colchester, Connor of Fairfield, Consejo of Sheldon, Corcoran of Bennington, Cross of Winooski, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Feltus of Lyndon, Gage of Rutland City, Gallivan of Chittenden, Goodwin of Weston, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Huntley of Cavendish, Jerman of Essex, Juskiewicz of Cambridge, Keenan of St. Albans City, Kilmartin of Newport City, Koch of Barre Town, Komline of Dorset, Larocque of Barnet, Lawrence of Lyndon, Macaig of Williston, Malcolm of Pawlet, Marcotte of Coventry, Martin of Springfield, McCullough of Williston, Mitchell of Fairfax, Moran of Wardsboro, Morrissey of Bennington, Myers of Essex, Poirier of Barre City, Potter of Clarendon, Quimby of Concord, Ralston of Middlebury, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Shaw of Derby, Smith of New Haven, South of St. Johnsbury, Stevens of Shoreham, Strong of Albany, Terenzini of Rutland Town, Till of Jericho, Trieber of Rockingham, Turner of Milton, Van Wyck of Ferrisburgh, Winters of Williamstown, Wright of Burlington and Young of Glover,

House bill, entitled

An act relating to wood manufacturer's tax credit;

To the committee on Ways and Means.

H. 730

By Rep. Michelsen of Hardwick,

House bill, entitled

An act relating to the fee for obtaining a copy of the videotape in a DUI civil suspension proceeding;

To the committee on Judiciary.

H. 731

By Rep. Michelsen of Hardwick,

House bill, entitled

An act relating to the presiding judicial officer in small claims actions;

To the committee on Judiciary.

H. 732

By Reps. Zagar of Barnard, Davis of Washington, Komline of Dorset and Stevens of Shoreham,

House bill, entitled

An act relating to prohibiting the State from using and participating in the collection of electronic data and metadata obtained by the federal government without a warrant;

To the committee on Judiciary.

H. 733

By Reps. Webb of Shelburne, Consejo of Sheldon and Ram of Burlington,

House bill, entitled

An act relating to the use of migratory bird feathers for cultural or ceremonial purposes;

To the committee on Fish, Wildlife & Water Resources.

H. 734

By Rep. Klein of East Montpelier,

House bill, entitled

An act relating to reduction of mercury-containing dental amalgam;

To the committee on Natural Resources and Energy.

H. 735

Rep. Ancel of Calais, for the committee on Ways and Means, introduced a bill, entitled

An act relating to Executive Branch and Judiciary fees

Under the rule was placed on the Calendar for Notice.

H. 736

By Reps. Ralston of Middlebury, Scheuermann of Stowe, 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 and Young of Glover,

House bill, entitled

An act relating to creating targeted economic development initiatives;

To the committee on Commerce and Economic Development.

H. 737

By Reps. Botzow of Pownal and Marcotte of Coventry,

House bill, entitled

An act relating to creating an interim committee to study gaps in capital availability and to suggest strategies to make capital more accessible;

To the committee on Commerce and Economic Development.

H. 738

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to repeal of reciprocal beneficiaries law;

To the committee on Judiciary.

H. 739

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to rulemaking by the Judicial Nominating Board;

To the committee on Government Operations.

H. 740

By Reps. Bissonnette of Winooski and Ellis of Waterbury,

House bill, entitled

An act relating to transportation improvement fees;

To the committee on Transportation.

H. 741

By Rep. O'Brien of Richmond,

House bill, entitled

An act relating to making illegal threatening and harassing calls and electronic communications that are not anonymous;

To the committee on Judiciary.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 540

Rep. Deen of Westminster moved that the committee on Rules be relieved of House bill, entitled

An act relating to regulating the use of drones

And that the bill be committed to the committee on Judiciary, which was agreed to.

Action on Bill Postponed

H. 577

House bill, entitled

An act relating to ski tramways

Was taken up and pending third reading of the bill, on motion of **Rep. Turner of Milton**, action on the bill was postponed until the next legislative day.

Third Reading; Bill Passed

H. 583

House bill, entitled

An act relating to the charge of the Vermont Child Poverty Council

Was taken up, read the third time and passed.

Bill Amended; Third Reading Ordered

H. 356

Rep. Terenzini of Rutland Town, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to prohibiting littering in or on the waters of the State

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 2201 is amended to read:

§ 2201. THROWING, DEPOSITING, BURNING, AND DUMPING
REFUSE; PENALTY; SUMMONS AND COMPLAINT

(a)(1) Prohibition. Every person shall be responsible for proper disposal of his or her own solid waste. A person shall not throw, dump, deposit, cause, or permit to be thrown, dumped, or deposited any solid waste as defined in 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing:

(A) in or on the waters of the State, including frozen waters, or on the shores or banks of waters of the State in a manner as to be subject to being washed in the main stream or body of water under normal high water conditions, unless the person has a permit under 10 V.S.A. chapter 47 to discharge waste; or

(B) outside a solid waste management facility certified by the Agency of Natural Resources.

(2) It shall be prima facie evidence that a person who is identifiable from an examination of illegally disposed solid waste is the person who violated a provision of this section.

~~(2)~~(3) No person shall burn or cause to be burned in the open or incinerate in any container, furnace, or other device any solid waste without:

(A) first having obtained all necessary permits from the Agency of Natural Resources, the district environmental commission, and the municipality where the burning is to take place; and

(B) complying with all relevant State and local regulations and ordinances.

(b) Prosecution of violations. A person who violates a provision of this section commits a civil violation and shall be subject to a civil penalty of not more than \$500.00. This violation shall be enforceable in the Judicial Bureau pursuant to the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a municipal attorney, solid waste management district attorney, environmental enforcement officer employed by the Agency of Natural Resources, grand juror, or designee of the legislative body of the municipality, or by any duly authorized law enforcement officer. If the throwing, placing, or depositing was done from a snowmobile or a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, placing, or depositing

was done by the driver of ~~such~~ the snowmobile or motor vehicle. If the throwing, placing, or depositing was done from a vessel, it shall be prima facie evidence that the throwing, placing, or depositing was done by the operator of the vessel. Nothing in this section shall be construed as affecting the operation of an automobile graveyard or salvage yard as defined in section 2241 of this title, nor shall anything in this section be construed as prohibiting the installation and use of appropriate receptacles for solid waste provided by the State or towns.

(c) Roadside cleanup; shoreland or river cleanup. A person found in violation of this section may be assigned to spend up to 80 hours collecting trash or litter from a specified segment of roadside or from a specified area of public property or from shorelands or river corridors, as those terms are defined in 10 V.S.A. § 1422.

(d) Revocation of motor vehicle operator's license. The Commissioner of Motor Vehicles shall suspend the motor vehicle operator's license or operating privilege of a person found in violation of this section for a period of ten days if the person fails to pay the penalty set forth in subsection (b) of this section. If the person that fails to pay the penalty set forth in subsection (b) violated this section while operating a vessel, the Commissioner of Motor Vehicles shall suspend that person's certificate of boating education that is required by 23 V.S.A. § 3305b for a period of ten days. This provision shall not apply if the only evidence of violation is the presumption set forth in subsection (b) of this section. The Bureau shall immediately notify the Commissioner of Motor Vehicles of the entry of judgment.

(e) Revocation of hunting or fishing license. The Commissioner of Fish and Wildlife shall revoke the privilege of a person found in violation of this section from holding a hunting or fishing license, or both, for a period of one year from the date of the conviction, if the person fails to pay the penalty set forth in subsection (b) of this section. The Bureau shall immediately notify the Commissioner of Fish and Wildlife of the entry of judgment.

(f) ~~[Deleted.]~~ [Repealed.]

(g) Amendment of complaint. A person authorized to enforce this section may amend or dismiss a complaint issued by that person by marking the complaint and returning it to the Judicial Bureau. At the hearing, a person authorized to enforce this section may amend or dismiss a complaint issued by that person, subject to the approval of the hearing judge.

(h) ~~[Deleted.]~~ [Repealed.]

(i) Applicability. Enforcement actions taken under this section shall in no way preclude the Agency of Natural Resources, the Attorney General, or an appropriate State prosecutor from initiating other or further enforcement actions under the civil, administrative, or criminal enforcement provisions of 10 V.S.A. chapter 23, 47, 159, 201, or 211. To the extent that enforcement under this section is by an environmental enforcement officer employed by the Agency of Natural Resources, enforcement under this section shall preclude other enforcement by the ~~agency~~ Agency for the same offence.

(j) Definitions. As used in this section:

(1) “Motor vehicle” shall have the same meaning as in 23 V.S.A. § 4(21).

(2) “Snowmobile” shall have the same meaning as in 23 V.S.A. § 3801.

(3) “Vessel” means motor boats, boats, kayaks, canoes, sailboats, and all other types of watercraft.

(4) “Waters” shall have the same meaning as in 10 V.S.A. § 1251(13).

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Fish, Wildlife & Water Resources agreed to and third reading ordered.

Joint Resolution Adopted in Concurrence

J.R.S. 40

Joint resolution, entitled

Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation

Was taken up and adopted in concurrence.

Joint Resolution Adopted in Concurrence

J.R.S. 41

Joint resolution, entitled

Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2014

Was taken up and adopted in concurrence.

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.