Friday, January 30, 2015

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the State House Singers.

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. 97

By Reps. Till of Jericho, Berry of Manchester, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Dakin of Chester, French of Randolph, Masland of Thetford, McCullough of Williston, Nuovo of Middlebury, Russell of Rutland City, Savage of Swanton, Sullivan of Burlington and Troiano of Stannard,

House bill, entitled
An act relating to the maximum allowable cost for prescription drug reimbursement;
To the committee on Health Care.

H. 98

By Rep. Till of Jericho,
House bill, entitled
An act relating to reportable disease registries and data;
To the committee on Human Services.

H. 99

By Reps. Devereux of Mount Holly, Browning of Arlington, Canfield of Fair Haven, Carr of Brandon, Cupoli of Rutland City, Evans of Essex, Higley of Lowell, LaClair of Barre Town, Lewis of Berlin, Martin of Wolcott, Potter of Clarendon, Shaw of Pittsford and Terenzini of Rutland Town,

House bill, entitled
An act relating to the creation of the Legislative State Employee Compensation Oversight Committee;

To the committee on Government Operations.

**H. 100**

By Reps. Terenzini of Rutland Town, Beyor of Highgate, Browning of Arlington, Burditt of West Rutland, Canfield of Fair Haven, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Eastman of Orwell, Hebert of Vernon, Higley of Lowell, Hubert of Milton, Juskiewicz of Cambridge, LaClair of Barre Town, Lefebvre of Newark, Lewis of Berlin, Marcotte of Coventry, Morrissey of Bennington, Myers of Essex, Parent of St. Albans City, Savage of Swanton, Shaw of Pittsford, Tate of Mendon and Van Wyck of Ferrisburgh,

House bill, entitled

An act relating to setback and screening requirements for solar generation plants;

To the committee on Natural Resources & Energy.

**H. 101**

By Reps. Donahue of Northfield, Gage of Rutland City, Poirier of Barre City and Woodward of Johnson,

House bill, entitled

An act relating to mental health insurance benefits;

To the committee on Health Care.

**Joint Resolutions Placed on Calendar**

The Speaker placed before the House the following resolutions which were read and in the Speaker’s discretion, placed on the Calendar for action tomorrow under Rule 52.

**J.R.S. 12**

By Senator Campbell,

**J.R.S. 12.** 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.

*Resolved by the Senate and House of Representatives:*
That the two Houses meet in Joint Assembly on Thursday, February 19, 2015, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

**J.R.S. 13**

By Senator Campbell,

**J.R.S. 13.** Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2015.

*Whereas,* in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

*Whereas,* in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

*Whereas,* in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

*Whereas,* if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

**Resolved by the Senate and House of Representatives:**

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 19, 2015, shall be governed by the following procedure:

1. All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

2. The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

3. In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall
continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

**Judicial Retention Committee Appointed**

The Speaker appointed the following named members to the Judicial Retention Committee:

- Rep. Jewett of Ripton
- Rep. Conquest of Newbury
- Rep. Rachelson of Burlington
- Rep. Viens of Newport City

**Corrections Oversight Committee Appointed**

The Speaker appointed the following named members to the Corrections Oversight Committee:

- Rep. Hooper of Montpelier
- Rep. Grad of Moretown
- Rep. Shaw of Pittsford
- Rep. Haas of Rochester
- Rep. Emmons of Springfield

**Third Reading; Bill Passed**

H. 7

House bill, entitled

An act relating to miscellaneous amendments to laws regarding law enforcement officer certification

Was taken up, read the third time and passed.

**Bill Amended, Read Third Time and Passed**

H. 82

House bill, entitled

An act relating to fiscal year 2015 budget adjustments

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

First: In Sec. 61, after the words “Committee does not reject such certification,” by inserting the following:

“(3) The following amounts shall be transferred from the General Fund to the funds indicated:”
Second: In Sec. 89(a)(1), by striking out the following: “successor,” and by inserting in lieu thereof the following: “successor.”

Which was agreed to.

Pending the question, Shall the bill pass? **Rep. Johnson of South Hero** 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, 135. Nays, 5.

Those who voted in the affirmative are:

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ancel of Calais</td>
<td>Ellis of Waterbury</td>
<td>Lippert of Hinesburg</td>
</tr>
<tr>
<td>Bancroft of Westford</td>
<td>Evans of Essex</td>
<td>Long of Newfane</td>
</tr>
<tr>
<td>Bartholomew of Hartland</td>
<td>Fagan of Rutland City</td>
<td>Lucke of Hartford</td>
</tr>
<tr>
<td>Batchelor of Derby</td>
<td>Feltus of Lyndon</td>
<td>Macaig of Williston</td>
</tr>
<tr>
<td>Beck of St. Johnsbury</td>
<td>Fields of Bennington</td>
<td>Manwaring of Wilmington</td>
</tr>
<tr>
<td>Berry of Manchester</td>
<td>Fiske of Enosburgh</td>
<td>Martocote of Coventry</td>
</tr>
<tr>
<td>Botzow of Pownal</td>
<td>Forguites of Springfield</td>
<td>Martel of Waterford</td>
</tr>
<tr>
<td>Branagan of Georgia</td>
<td>Frank of Underhill</td>
<td>Martin of Wolcott</td>
</tr>
<tr>
<td>Brennan of Colchester</td>
<td>Head of South Burlington</td>
<td>Masland of Thetford</td>
</tr>
<tr>
<td>Briglin of Thetford</td>
<td>French of Randolph</td>
<td>McCormack of Burlington</td>
</tr>
<tr>
<td>Burditt of West Rutland</td>
<td>Gonzalez of Winooski</td>
<td>McCoy of Poultney</td>
</tr>
<tr>
<td>Burke of Brattleboro</td>
<td>Grad of Moretown</td>
<td>McCullough of Williston</td>
</tr>
<tr>
<td>Buxton of Tunbridge</td>
<td>Graham of Williamstown</td>
<td>McFaun of Barre Town</td>
</tr>
<tr>
<td>Canfield of Fair Haven</td>
<td>Greshin of Warren</td>
<td>Miller of Shaftsbury</td>
</tr>
<tr>
<td>Chesnut-Tangerman of Middletown Springs</td>
<td>Haas of Rochester</td>
<td>Morris of Bennington</td>
</tr>
<tr>
<td>Christie of Hartford</td>
<td>Helm of Fair Haven</td>
<td>Morrissey of Bennington</td>
</tr>
<tr>
<td>Clarkson of Woodstock</td>
<td>Hooper of Montpelier</td>
<td>Mrowicki of Putney</td>
</tr>
<tr>
<td>Cole of Burlington</td>
<td>Huntley of Cavendish</td>
<td>Murphy of Fairfax</td>
</tr>
<tr>
<td>Condon of Colchester</td>
<td>Jerman of Essex</td>
<td>Myers of Essex</td>
</tr>
<tr>
<td>Connor of Fairfield</td>
<td>Jawett of Ripton</td>
<td>Nuovo of Middlebury</td>
</tr>
<tr>
<td>Conquest of Newbury</td>
<td>Johnson of South Hero</td>
<td>O’Brien of Richmond</td>
</tr>
<tr>
<td>Copeland-Hanzas of Bradford</td>
<td>Juskiewicz of Cambridge</td>
<td>O’Sullivan of Burlington</td>
</tr>
<tr>
<td>Corcoran of Bennington</td>
<td>Keenan of St. Albans City</td>
<td>Patt of Worcester</td>
</tr>
<tr>
<td>Cupoli of Rutland City</td>
<td>Kitzmiller of Montpelier</td>
<td>Pearce of Richford</td>
</tr>
<tr>
<td>Dakin of Chester</td>
<td>Klein of East Montpelier</td>
<td>Pearson of Burlington</td>
</tr>
<tr>
<td>Dakin of Colchester</td>
<td>Komline of Dorset</td>
<td>Poirier of Barre City</td>
</tr>
<tr>
<td>Dame of Essex</td>
<td>Krebs of South Hero</td>
<td>Potter of Clarendon</td>
</tr>
<tr>
<td>Davis of Washington</td>
<td>Krowinski of Burlington</td>
<td>Pugh of South Burlington</td>
</tr>
<tr>
<td>Deen of Westminster</td>
<td>LaClair of Barre Town</td>
<td>Purvis of Colchester</td>
</tr>
<tr>
<td>Devereux of Mount Holly</td>
<td>Lalonde of South Burlington</td>
<td>Quimby of Concord</td>
</tr>
<tr>
<td>Dickinson of St. Albans</td>
<td>Lanpher of Vergennes</td>
<td>Ram of Burlington</td>
</tr>
<tr>
<td>Town</td>
<td>Lawrence of Lyndon</td>
<td>Russell of Rutland City</td>
</tr>
<tr>
<td>Donahue of Northfield</td>
<td>Lefebvre of Newark</td>
<td>Ryerson of Randolph</td>
</tr>
<tr>
<td>Donovan of Burlington</td>
<td>Lenes of Shelburne</td>
<td>Savage of Swanton</td>
</tr>
<tr>
<td>Eastman of Orwell</td>
<td>Lewis of Berlin</td>
<td>Scheuermann of Stowe</td>
</tr>
</tbody>
</table>
Sharpe of Bristol
Shaw of Pittsford
Shaw of Derby
Sheldon of Middlebury
Sibilia of Dover
Smith of New Haven
Stevens of Waterbury
Strong of Albany
Stuart of Brattleboro
Sullivan of Burlington
Sweaney of Windsor
Tate of Mendon
Till of Jericho
Toleno of Brattleboro
Toll of Danville
Townsend of South
Burlington
Trieber of Rockingham
Troiano of Stannard
Van Wyck of Ferrisburgh

Viens of Newport City
Walz of Barre City
Webb of Shelburne
Willhoit of St. Johnsbury
Woodward of Johnson
Yantachka of Charlotte
Young of Glover
Zagar of Barnard

Those who voted in the negative are:
Beyor of Highgate
Browning of Arlington *
Gamache of Swanton
Hubert of Milton
Turner of Milton *

Those members absent with leave of the House and not voting are:
Baser of Bristol
Bissonnette of Winooski
Carr of Brandon
Gage of Rutland City
Higley of Lowell
Olsen of Londonderry
Parent of St. Albans City
Terenzini of Rutland Town
Wright of Burlington

Rep. Browning of Arlington explained her vote as follows:
“Mr. Speaker:
I vote no because this Budget Adjustment continues to contain the unsustainable contradictions of the original underlying FY15 budget. As in that budget, the Education Fund is burdened by state costs that are not education spending. The tax codes continue to allocate about $1.3 billion to tax credits, deductions and expenditures that have not been cut and are not scrutinized like regular spending lines. And I don’t believe we can afford the pay increases awarded to state employees.”

Rep. Turner of Milton explained his vote as follows:
“Mr. Speaker:
I appreciate that overall state spending has been reduced to a more sustainable level. However, I cannot support appropriating an additional $9.3 million to Vermont Health Connect with no idea how much more the state is going to spend to complete the implementation of this very poorly managed program.”

Adjournment

At ten o’clock and ten minutes in the forenoon, on motion of Rep. Turner of Milton, the House adjourned until Tuesday, February 3, 2015, at ten o’clock in the forenoon, pursuant to the provisions of JRS 11.
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. 15

House concurrent resolution honoring Frank A. Silfies;

H.C.R. 16

House concurrent resolution congratulating the Rutland Senior High School students whose petition persuaded Apple to remove the After School iPhone App from its iTunes Store;

H.C.R. 17

House concurrent resolution designating the week of January 21–25 as National Nurse Anesthetists Week in Vermont;

[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 2015, seventy-third Biennial session.]