

Journal of the House

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 of 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:

Ancel of Calais	Ellis of Waterbury	Lippert of Hinesburg
Bancroft of Westford	Emmons of Springfield	Long of Newfane
Bartholomew of Hartland	Evans of Essex	Lucke of Hartford
Batchelor of Derby	Fagan of Rutland City	Macaig of Williston
Beck of St. Johnsbury	Feltus of Lyndon	Manwaring of Wilmington
Berry of Manchester	Fields of Bennington	Marcotte of Coventry
Botzow of Pownal	Fiske of Enosburgh	Martel of Waterford
Branagan of Georgia	Forguites of Springfield	Martin of Wolcott
Brennan of Colchester	Frank of Underhill	Masland of Thetford
Briglin of Thetford	French of Randolph	McCormack of Burlington
Burditt of West Rutland	Gonzalez of Winooski	McCoy of Poultney
Burke of Brattleboro	Grad of Moretown	McCullough of Williston
Buxton of Tunbridge	Graham of Williamstown	McFaun of Barre Town
Canfield of Fair Haven	Greshin of Warren	Miller of Shaftsbury
Chesnut-Tangerman of Middletown Springs	Haas of Rochester	Morris of Bennington
Christie of Hartford	Head of South Burlington	Morrissey of Bennington
Clarkson of Woodstock	Hebert of Vernon	Mrowicki of Putney
Cole of Burlington	Helm of Fair Haven	Murphy of Fairfax
Condon of Colchester	Hooper of Montpelier	Myers of Essex
Connor of Fairfield	Huntley of Cavendish	Nuovo of Middlebury
Conquest of Newbury	Jerman of Essex	O'Brien of Richmond
Copeland-Hanzas of Bradford	Jewett of Ripton	O'Sullivan of Burlington
Corcoran of Bennington	Johnson of South Hero	Partridge of Windham
Cupoli of Rutland City	Juskiewicz of Cambridge	Patt of Worcester
Dakin of Chester	Keenan of St. Albans City	Pearce of Richford
Dakin of Colchester	Kitzmiller of Montpelier	Pearson of Burlington
Dame of Essex	Klein of East Montpelier	Poirier of Barre City
Davis of Washington	Komline of Dorset	Potter of Clarendon
Deen of Westminster	Krebs of South Hero	Pugh of South Burlington
Devereux of Mount Holly	Krowinski of Burlington	Purvis of Colchester
Dickinson of St. Albans Town	LaClair of Barre Town	Quimby of Concord
Donahue of Northfield	Lalonde of South Burlington	Rachelson of Burlington
Donovan of Burlington	Lanpher of Vergennes	Ram of Burlington
Eastman of Orwell	Lawrence of Lyndon	Russell of Rutland City
	Lefebvre of Newark	Ryerson of Randolph
	Lenes of Shelburne	Savage of Swanton
	Lewis of Berlin	Scheuermann of Stowe

Sharpe of Bristol	Sweaney of Windsor	Viens of Newport City
Shaw of Pittsford	Tate of Mendon	Walz of Barre City
Shaw of Derby	Till of Jericho	Webb of Shelburne
Sheldon of Middlebury	Toleno of Brattleboro	Willhoit of St. Johnsbury
Sibilia of Dover	Toll of Danville	Woodward of Johnson
Smith of New Haven	Townsend of South	Yantachka of Charlotte
Stevens of Waterbury	Burlington	Young of Glover
Strong of Albany	Trieber of Rockingham	Zagar of Barnard
Stuart of Brattleboro	Troiano of Stannard	
Sullivan of Burlington	Van Wyck of Ferrisburgh	

Those who voted in the negative are:

Beyor of Highgate	Gamache of Swanton	Turner of Milton *
Browning of Arlington *	Hubert of Milton	

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

Baser of Bristol	Gage of Rutland City	Parent of St. Albans City
Bissonnette of Winooski	Higley of Lowell	Terenzini of Rutland Town
Carr of Brandon	Olsen of Londonderry	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.]