

Journal of the House

Friday, February 20, 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 David Fickes, violinist from Peacham, Vt. and Francis K. Brooks of Montpelier, Vt.

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. 258

By Rep. Botzow of Pownal,

House bill, entitled

An act relating to the process for requesting a waiver to allow school districts to provide transportation services;

To the committee on Education.

H. 259

By Reps. Huntley of Cavendish, Bancroft of Westford, Baser of Bristol, Batchelor of Derby, Beck of St. Johnsbury, Beyor of Highgate, Bissonnette of Winooski, Burditt of West Rutland, Canfield of Fair Haven, Cupoli of Rutland City, Dakin of Chester, Dakin of Colchester, Dame of Essex, Devereux of Mount Holly, Gage of Rutland City, Gamache of Swanton, Graham of Williamstown, Hebert of Vernon, Higley of Lowell, Juskiewicz of Cambridge, LaClair of Barre Town, Lawrence of Lyndon, Lewis of Berlin, Marcotte of Coventry, McCoy of Poultney, McFaun of Barre Town, Morrissey of Bennington, Murphy of Fairfax, Myers of Essex, Parent of St. Albans City, Purvis of Colchester, Quimby of Concord, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Shaw of Derby, Stevens of Waterbury, Strong of Albany, Terenzini of Rutland Town, Toleno of Brattleboro, Turner of Milton, Van Wyck of Ferrisburgh, Viens of Newport City, Willhoit of St. Johnsbury, Wright of Burlington and Young of Glover,

House bill, entitled

An act relating to the use of colored lights on law enforcement, fire department, and emergency service vehicles;

To the committee on Transportation.

H. 260

By Reps. Stevens of Waterbury, Berry of Manchester, Davis of Washington, Donovan of Burlington, Fields of Bennington, Gonzalez of Winooski, Hooper of Montpelier, Krowinski of Burlington, Lucke of Hartford, Macaig of Williston, McCormack of Burlington, O'Sullivan of Burlington, Pearson of Burlington, Sullivan of Burlington, Till of Jericho and Walz of Barre City,

House bill, entitled

An act relating to the minimum wage;

To the committee on General, Housing & Military Affairs.

H. 261

By Reps. O'Sullivan of Burlington, Woodward of Johnson, Baser of Bristol, Botzow of Pownal, Burke of Brattleboro, Carr of Brandon, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Dakin of Chester, Gonzalez of Winooski, Juskiewicz of Cambridge, Murphy of Fairfax, Pearson of Burlington, Stuart of Brattleboro and Sullivan of Burlington,

House bill, entitled

An act relating to criminal record inquiries by an employer;

To the committee on General, Housing & Military Affairs.

H. 262

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to information about instructional versus administrative spending in school budgets;

To the committee on Education.

H. 263

By Reps. Hebert of Vernon, Strong of Albany, Batchelor of Derby, Branagan of Georgia, Burditt of West Rutland, Canfield of Fair Haven, Dame of Essex, Dickinson of St. Albans Town, Eastman of Orwell, Gamache of Swanton, Graham of Williamstown, Helm of Fair Haven, Higley of Lowell, Lawrence of Lyndon, Lefebvre of Newark, Lewis of Berlin, Marcotte of

Coventry, Martel of Waterford, Morrissey of Bennington, Myers of Essex, Terenzini of Rutland Town and Van Wyck of Ferrisburgh,

House bill, entitled

An act relating to expanding Vermont's publicly funded tuition system;

To the committee on Education.

H. 264

By Reps. Strong of Albany, Batchelor of Derby, Branagan of Georgia, Canfield of Fair Haven, Dickinson of St. Albans Town, Gamache of Swanton, Graham of Williamstown, Higley of Lowell, Lalonde of South Burlington, Lawrence of Lyndon, Marcotte of Coventry, Morrissey of Bennington, Terenzini of Rutland Town and Viens of Newport City,

House bill, entitled

An act relating to immunity from liability for officers, employees, and volunteers at homeless shelters;

To the committee on Judiciary.

H. 265

By Reps. Till of Jericho, Bartholomew of Hartland, Branagan of Georgia, Clarkson of Woodstock, Dakin of Chester, Donovan of Burlington, Ellis of Waterbury, Evans of Essex, Frank of Underhill, French of Randolph, Head of South Burlington, Jewett of Ripton, Lenex of Shelburne, Macaig of Williston, McCormack of Burlington, Stevens of Waterbury, Sullivan of Burlington, Toleno of Brattleboro, Woodward of Johnson and Yantachka of Charlotte,

House bill, entitled

An act relating to raising the cigarette and tobacco products tax rates;

To the committee on General, Housing & Military Affairs.

H. 266

By Rep. Till of Jericho,

House bill, entitled

An act relating to evidence of immunization at primary and secondary schools;

To the committee on Health Care.

H. 267

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to supervisory union assessments and ballot language;

To the committee on Education.

H. 268

By Reps. Pearce of Richford and Beyor of Highgate,

House bill, entitled

An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No. 1 into the Town;

To the committee on Government Operations.

H. 269

By Reps. Sullivan of Burlington, Donovan of Burlington, Forguites of Springfield, Keenan of St. Albans City, Macaig of Williston, McCormack of Burlington, O'Sullivan of Burlington, Pearson of Burlington, Rachelson of Burlington, Ram of Burlington, Ryerson of Randolph, Stevens of Waterbury, Van Wyck of Ferrisburgh and Wright of Burlington,

House bill, entitled

An act relating to the transportation and disposal of excavated development soils legally categorized as solid waste;

To the committee on Natural Resources & Energy.

H. 270

By Reps. Haas of Rochester, Emmons of Springfield, Lippert of Hinesburg and Pugh of South Burlington,

House bill, entitled

An act relating to definitions for pretrial screenings and assessments;

To the committee on Judiciary.

H. 271

By Reps. Sibilias of Dover, Morris of Bennington, Baser of Bristol, Berry of Manchester, Botzow of Pownal, Browning of Arlington, Burke of Brattleboro, Carr of Brandon, Corcoran of Bennington, Dakin of Chester, Dakin of Colchester, Deen of Westminster, Eastman of Orwell, Fields of Bennington,

Fiske of Enosburgh, Greshin of Warren, Hebert of Vernon, Komline of Dorset, Long of Newfane, Manwaring of Wilmington, Marcotte of Coventry, Miller of Shaftsbury, Morrissey of Bennington, Mrowicki of Putney, Murphy of Fairfax, O'Sullivan of Burlington, Olsen of Londonderry, Parent of St. Albans City, Partridge of Windham, Russell of Rutland City, Scheuermann of Stowe, Stuart of Brattleboro, Tate of Mendon, Till of Jericho, Toleno of Brattleboro, Trieber of Rockingham and Young of Glover,

House bill, entitled

An act relating to giving deference to regional planning and planners in mitigating adverse economic impacts of major employers;

To the committee on Commerce & Economic Development.

Joint Resolution Referred to Committee

J.R.H. 5

Joint resolution urging the Federal Communications Commission to adopt the new net neutrality rules as Commission Chair Thomas Wheeler has proposed

Offered by: Representatives Pearson of Burlington, Komline of Dorset, and Zagar of Barnard

Whereas, in 2015, millions of Americans rely on the Internet for business, educational, economic, entertainment, and health care purposes, and all providers and users of Internet services must be afforded equal access to this primary communications highway, and

Whereas, start-ups and other promising elements of Vermont's high-technology-based creative economy require continuous and affordable access to high-speed Internet services for their economic survival, and

Whereas, net neutrality means that no Internet service or content provider may be relegated to a slower online transmission speed, or be eligible for an accelerated speed upon payment of a special fee, and

Whereas, in Verizon v. F.C.C., 740 F.3d 623 (2014), the U.S. Court of Appeals for the District of Columbia held that the Federal Communications Commission (FCC) is prohibited from imposing neutrality rules on the Internet because the FCC does not regulate the Internet under Title II of the Telecommunications Act of 1996, and

Whereas, in light of this judicial decision, the FCC began to consider proposing new net neutrality rules, and

Whereas, in July 2014, as the FCC was considering possible new rules on net neutrality, U.S. Senator Patrick Leahy chaired Senate Judiciary Committee

hearings in Burlington on the need to keep the Internet equally open to all Americans, and he held further hearings on this important topic last September in Washington, D.C., and

Whereas, at least 3.7 million Americans submitted comments to the FCC about proposed new net neutrality rules, and many of the comments were from consumers who wrote in support of an open and publicly accessible Internet, and

Whereas, on Wednesday, February 4, 2015, Commission Chair Thomas Wheeler announced proposed new Internet regulatory rules providing that the FCC would begin to regulate the Internet as a utility under Title II of the Telecommunications Act of 1996, and

Whereas, the proposed FCC rules would also require neutrality for Internet operations as Internet service providers would be mandated to offer all Internet content providers equal access and not add a surcharge for accelerated transmission speeds, and

Whereas, in addition, the proposed FCC rules would authorize regulation of the back end of the Internet, where content providers have complained that network middlemen have intentionally clogged key Internet transit points, and

Whereas, the FCC is scheduled to vote on the new net neutrality rules on February 26, 2015, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges the Federal Communications Commission to adopt the new net neutrality rules as Commission Chair Thomas Wheeler has proposed, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Federal Communications Commission and to the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Commerce & Economic Development.

Remarks Journalized

On motion of **Rep. Clarkson of Woodstock**, the following remarks by **Francis Brooks** were ordered printed in the Journal:

“Mr. Speaker:

“For a few moments let us think about Adversity.

Are you similar to me and my thinking?”

I dislike, I even fear adversity, probably because of my selfish desire to have a life free of trouble and worry. I had this feeling until I began to understand other parts of scripture such as that found in Romans 8:28 (King James Version)

”28 And we know that all things work together for good to them that love God, to them who are the called according to his purpose.”

When you face adversity, are you going to allow it to break you or make you? It's your choice.

Let me share with you a story my mommy told me years ago.

A young woman went to her mother and told her about her life and how things were so hard for her. She did not know how she was going to make it and wanted to give up. She was tired of fighting and struggling. It seemed as one problem was solved, a new one took its place. Her mother took her into the kitchen. She filled three pots with water and placed each on a high heat. Soon the pots came to boil. In the first she placed carrots, in the second she put eggs, and in the last she placed ground coffee beans. She let them sit and boil, without saying a word. After letting them boil for a while, she turned off the burners. She fished the carrots out and placed them in a bowl. She pulled the eggs out and placed them in a bowl. Then she ladled the coffee out and placed it in a bowl. Turning to her daughter, she asked, "Tell me, what you see?" "Carrots, eggs, and coffee," she replied. Her mother brought her closer and asked her to feel the carrots. She did and noted that they were soft. The mother then asked the daughter to take an egg and break it. After pulling off the shell, she observed the hard boiled egg. Finally, the mother asked the daughter to sip the coffee. The daughter smiled as she tasted and smelled the rich aroma of the coffee. The daughter then asked, "What does it mean, mother?"

Her mother explained that each of these objects had faced the same adversity ... boiling water. Each reacted differently. The carrot went in strong, hard, and unrelenting. However, after being subjected to the boiling water, it softened and became weak. The egg had been fragile. Its thin outer shell had protected its liquid interior, but after sitting through the boiling water, its inside became hardened. The ground coffee beans were unique, however. After they were in the boiling water, they had changed the water.

"Which are you?" she asked her daughter. "When adversity knocks on your door, how do you respond? Are you a carrot, an egg or a coffee bean?"

When thinking to yourself, ask this question; Which am I? Am I the carrot that seems strong, but with pain and adversity do I wilt and become soft and lose my strength? Am I the egg that starts with a malleable heart, but changes with the heat? Did you have a fluid spirit, but after a death, a breakup, a

financial hardship or some other trial, have you become hardened and stiff? Does my shell look the same, but on the inside, am I, bitter and tough with a stiff spirit and hardened heart?

Or am I like the coffee bean? The bean actually changes the hot water, the very circumstance that brings the pain. When the water gets hot, it releases the fragrance and flavor of the bean.

If you are like the bean, when things are at their worst, you get better and change the situation around you. When the hour is the darkest and trials are their greatest, do you elevate yourself to another level? How do you handle adversity? Are you a carrot, an egg or a coffee bean?

In the words of an old spiritual, "I am so glad trouble don't last always"

May the Lord bless you, and keep you: The Lord make his face shine upon you, and be gracious unto you: The Lord lift up his countenance upon you, and give you peace for now and for evermore."

Third Reading; Bill Passed

H. 62

House bill, entitled

An act relating to prohibiting a sentence of life without parole for a person who was under 18 years of age at the time of the commission of the offense

Was taken up, read the third time and passed.

Bill Read Second Time; Third Reading Ordered

H. 240

Rep. Murphy of Fairfax spoke for the committee on Transportation.

House bill entitled

An act relating to miscellaneous technical corrections to laws governing motor vehicles, motorboats, and other vehicles

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Remarks Journalized

On motion of **Rep. Quimby of Concord**, the following remarks by **Rep. Masland of Thetford** were ordered printed in the Journal:

"Mr. Speaker:

Over the years, many of the old fogies in the chamber have been the beneficiary of the wise council and teaching of former Representative Francis

Brooks. One lesson in particular stands out today. That is a story Francis told us a number of years ago having to do with “going a piece of the way.” Francis told us of experiences from his childhood growing up on a rural dirt road. When he and his siblings would see a neighbor of their age walking by, they would ask their Mama if they could walk a piece of the way with the neighbor. That they would do and then return home.

Francis shared that story following the untimely death of the former Representative from Montpelier, Karen Kitzmiller. Francis thanked Karen for going a piece of the way.

Now I would like to thank Francis for traveling a piece of the way with all of us.

Over the years Francis served with us, both as a Representative and Sergeant-at-Arms, we have tackled and overcome some pretty significant obstacles, and we have done so together. During the rest of my time here and in years thereafter, I will always remember and appreciate your help and council, Francis, and for that I thank you very much.”

Message from the Senate No. 22

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. 17. An act relating to identification and notification of Public Records Act exemptions in administrative rules.

And has passed the same in concurrence.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 3. Senate concurrent resolution congratulating Allen Adler on his 100th birthday.

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

H.C.R. 37. House concurrent resolution congratulating the 2014 class of Green Mountain Council Eagle Boy Scouts.

H.C.R. 38. House concurrent resolution congratulating former Berlin Assistant Town Clerk and Assistant Town Treasurer Grace Rose on her 90th

birthday.

H.C.R. 39. House concurrent resolution recognizing the lifesaving work of the Vermont Suicide Prevention Center and the Vermont Suicide Prevention Coalition.

H.C.R. 40. House concurrent resolution congratulating the Star Barber Shop of Rutland on its 80th anniversary.

H.C.R. 41. House concurrent resolution honoring Vermont State Employees for their exemplary public service.

H.C.R. 42. House concurrent resolution honoring Kenneth Alexander for his exemplary public service as Hyde Park Road Commissioner.

H.C.R. 43. House concurrent resolution honoring Milton town clerk and treasurer John Cushing on 46 years of exemplary public service and as an advocate for effective municipal governance.

H.C.R. 44. House concurrent resolution designating February 19, 2015, as Afterschool and Summer Learning Day at the State House.

H.C.R. 45. House concurrent resolution congratulating the National Railway Historical Society on its 80th anniversary and welcoming its 2015 convention to Rutland.

H.C.R. 46. House concurrent resolution congratulating John C. Stewart & Son, Inc.'s Ford dealership on its 100th anniversary.

Adjournment

At ten o'clock and eighteen minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 24, 2015, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 16.

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. 37

House concurrent resolution congratulating the 2014 class of Green Mountain Council Eagle Boy Scouts;

H.C.R. 38

House concurrent resolution congratulating former Berlin Assistant Town Clerk and Assistant Town Treasurer Grace Rose on her 90th birthday;

H.C.R. 39

House concurrent resolution recognizing the lifesaving work of the Vermont Suicide Prevention Center and the Vermont Suicide Prevention Coalition;

H.C.R. 40

House concurrent resolution congratulating the Star Barber Shop of Rutland on its 80th anniversary;

H.C.R. 41

House concurrent resolution honoring Vermont State Employees for their exemplary public service;

H.C.R. 42

House concurrent resolution honoring Kenneth Alexander for his exemplary public service as Hyde Park Road Commissioner;

H.C.R. 43

House concurrent resolution honoring Milton town clerk and treasurer John Cushing on 46 years of exemplary public service and as an advocate for effective municipal governance;

H.C.R. 44

House concurrent resolution designating February 19, 2015, as Afterschool and Summer Learning Day at the State House;

H.C.R. 45

House concurrent resolution congratulating the National Railway Historical Society on its 80th anniversary and welcoming its 2015 convention to Rutland;

H.C.R. 46

House concurrent resolution congratulating John C. Stewart & Son, Inc.'s Ford dealership on its 100th anniversary;

S.C.R. 3

Senate concurrent resolution congratulating Allen Adler on his 100th birthday;

[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.]