Journal of the House

Wednesday, March 30, 2016

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Sheila and Jim Dooley, Alzheimer's Association Advocates, Franklin County.

Senate Bill Referred

S. 220

Senate bill, entitled
An act relating to the public financing of campaigns
Was read and referred to the committee on Government Operations.

Bills Referred to Committee on Ways and Means

House bills of the following titles, appearing on the Calendar, affecting the revenue of the state, under the rule, were referred to the Committee on Ways and Means:

H. 865

House bill, entitled
An act relating to promoting workforce housing

H. 870

House bill, entitled
An act relating to telecommunications

Joint Resolution Adopted in Concurrence

J.R.S. 49

By Senators Baruth and Benning,

J.R.S. 49. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 1, 2016, it be to meet again no later than Tuesday, April 5, 2016.

712
Was taken up and adopted in concurrence.

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

**H. 876**

House bill, entitled

An act relating to the transportation capital program and miscellaneous changes to transportation-related law

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

Bill be amended in Sec. 35, 19 V.S.A. § 44, in subsection (b), by striking out subdivisions (5) and (6) in their entirety and inserting in lieu thereof the following:

(5) a representative of the Vermont Association of Planning and Development Agencies;

(6) a representative of the Vermont League of Cities and Towns; and

(7) a land surveyor licensed under 26 V.S.A. chapter 45 designated by the Vermont Society of Land Surveyors.

Which was agreed to.

Pending third reading of the bill, **Rep. Hooper of Montpelier** moved to amend the bill as follows:

In Sec. 7, in 23 V.S.A. § 3734(a)(4)(B), by adding a second sentence to read: “‘Railroad property’ also does not include any real property owned or leased by a railroad carrier that is a roadbed, or that is located on either side of a roadbed, from which tracks are currently removed.”

Which was agreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Webb of Shelburne** 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, 124. Nays, 19.

Those who voted in the affirmative are:

Ancel of Calais  Berry of Manchester  Brigin of Thetford
Bancroft of Westford  Beyor of Highgate  Browning of Arlington
Bartholomew of Hartland  Bissonette of Winooski  Burke of Brattleboro
Baser of Bristol  Botzow of Pownal  Buxton of Tunbridge
Batchelor of Derby  Branagan of Georgia  Carr of Brandon
Beck of St. Johnsbury  Brennan of Colchester
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Savage of Swanton
Strong of Albany
Terenzini of Rutland Town
Turner of Milton
Wright of Burlington
Those members absent with leave of the House and not voting are:

Christie of Hartford        Gamache of Swanton        Olsen of Londonderry
Fields of Bennington        Grad of Moretown          Purvis of Colchester

Rep. Russell of Rutland City explained his vote as follows:

“Mr. Speaker:

Jobs, economic development and infrastructure are why I vote ‘yes’ – moving transportation forward for Vermont!”

Third Reading; Bill Passed

H. 877

House bill, entitled
An act relating to transportation funding
Was taken up and read the third time.

Pending the question, Shall the bill pass? Rep. Turner of Milton 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, 104. Nays, 40.

Those who voted in the affirmative are:

Ancel of Calais            Chesnut-Tangerman of Middletown Springs   Donahue of Northfield
Bartholomew of Hartland    Clarkson of Woodstock        Donovan of Burlington
Baser of Bristol          Cole of Burlington             Emmons of Springfield
Beck of St. Johnsbury      Condon of Colchester        Evans of Essex
Berry of Manchester       Connor of Fairfield          Fagan of Rutland City
Bissonnette of Winooski    Conquest of Newbury         Feltus of Lyndon
Botzow of Pownal           Copeland-Hanzas of Bradford    Forguites of Springfield
Branagan of Georgia *      Corcoran of Bennington       Frank of Underhill
Brennan of Colchester      Dakin of Chester             French of Randolph
Briglin of Thetford        Dakin of Colchester         Gonzalez of Winooski
Browning of Arlington      Davis of Washington         Haas of Rochester
Burke of Brattleboro       Deen of Westminster        Head of South Burlington
Buxton of Tunbridge        Donahue of Northfield
Carr of Brandon
Jerman of Essex  
Jewett of Ripton  
Johnson of South Hero  
Juskiewicz of Cambridge  
Keenan of St. Albans City  
Kitzmiller of Montpelier  
Klein of East Montpelier  
Krebs of South Hero  
Krowinski of Burlington  
Lalonde of South Burlington  
Lanpher of Vergennes  
Lefebvre of Newfane  
Lenes of Shelburne  
Lippert of Hinesburg  
Long of South Burlington  
Lucke of Hartford  
Macaig of Williston  
Manwaring of Wilmington  
Martel of Waterford  
Martin of Wolcott  
Masland of Thetford  
McCormack of Burlington  
McCullough of Williston  
Miller of Shaftsbury  
Morris of Bennington  
Mrowicki of Putney  
Murphy of Fairfax  
O’Brien of Richmond  
Olsen of Londonderry  
O’Sullivan of Burlington  
Partridge of Windham  
Patt of Worcester  
Pearce of Richford  
Pearson of Burlington  
Poirier of Barre City  
Potter of Clarendon  
Pugh of South Burlington  
Rachelson of Burlington  
Ram of Burlington  
Russell of Rutland City  
Ryerson of Randolph  
Scheuermann of Stowe  
Sharpe of Bristol  
Shaw of Derby  
Sibilia of Dover  
Stevens of Waterbury  
Stuart of Brattleboro  
Sullivan of Burlington  
Sweaney of Windsor  
Till of Jericho  
Toleno of Brattleboro  
Townsend of South  
Burlington  
Triber of Rockingham  
Troiano of Stannard  
Walz of Barre City  
Webb of Shelburne  
Wood of Waterbury  
Woodward of Johnson  
Young of Glover *  
Zagar of Barnard  

Those who voted in the negative are:

Bancroft of Westford  
Batchelor of Derby  
Beyor of Highgate  
Burditt of West Rutland  
Canfield of Fair Haven  
Cupoli of Rutland City  
Dame of Essex  
Devereux of Mount Holly  
Dickinson of St. Albans Town  
Eastman of Orwell  
Fiske of Enosburgh  
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Hebert of Vernon  
Helm of Fair Haven  
Higley of Lowell  
Hubert of Milton  
Komline of Dorset  
LaClair of Barre Town  
Lawrence of Lyndon  
Lewis of Berlin  
Marcotte of Coventry  
McCoy of Poultney  
McFaun of Barre Town  
Morrissey of Bennington  
Myers of Essex  
Parent of St. Albans Town  
Quimby of Concord  
Savage of Swanton  
Shaw of Pittsford  
Smith of New Haven  
Strong of Albany  
Tate of Mendon  
Terenzini of Rutland Town  
Turner of Milton *  
Van Wyck of Ferrisburgh  
Viens of Newport City  
Willhoit of St. Johnsbury  
Wright of Burlington

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

Christie of Hartford  
Fields of Bennington  
Gamache of Swanton  
Grad of Moretown  

**Rep. Branagan of Georgia** explained her vote as follows:

“Mr. Speaker:
The most important components in efforts to attract business and economic development to our state are (1) an educated and willing workforce, (2) communication infrastructure, (3) presence of an international airport, (4) a well maintained transportation infrastructure. This revenue is vital to the future of Vermont.”

**Rep. Turner of Milton** explained his vote as follows:

“Mr. Speaker:

This bill raises more than 11.5 million dollars in new or additional transportation fees. This will increase the burden and cost of living for all hardworking and struggling Vermonters. Many of Vermonters have said loud and clear that it already costs far too much to live in Vermont. Thank you.”

**Rep. Young of Glover** explained his vote as follows:

“Mr. Speaker:

There is a connection between the Transportation Bill and supporting the funds to do the work. You can’t have one without the other.”

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

**H. 853**

House bill, entitled

An act relating to setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes

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

Bill be amended by inserting a Sec. 9c to read as follows:

Sec. 9c. REPORT ON THE IMPACT OF H.353 OF 2013

(a) On or before November 15, 2016, the Joint Fiscal Office, with the assistance of the Office of Legislative Council and the Department of Taxes, shall issue a report analyzing the impact of H.353 of 2013, an act relating to eliminating tax expenditures. The report shall be delivered to the Senate Committees on Finance and on Education and the House Committees on Ways and Means and on Education.

(b) The report shall address:

(1) how the removal of most tax expenditures as described in H.353 would affect base education property tax rates, including the amount by which they could be reduced:
(2) how much the replacement programs to fulfill the policy goals of property tax expenditures that need to be replaced will cost the General Fund, considering the reduction in property tax rates and any pre-existing General Fund allocations to those programs;

(3) how income tax rate brackets could be reduced in a way that would preserve progressivity and how to design a base credit to replace the policy goals of some of the special provisions eliminated;

(4) any transition issues created by the proposed changes; and

(5) any related issues identified by the Joint Fiscal Office.

Thereupon, Rep. Deen of Westminster raised a Point of Order in that the amendment was not germane to the underlying bill, which Point of Order the Speaker ruled well taken.

Pending third reading of the bill, Reps. Sibilia of Dover and Olsen of Londonderry moved to amend the bill as follows:

By inserting a Sec. 9c to read:

Sec. 9c. REPORT ON AN ANALYSIS OF WEIGHTING FACTORS

The Agency of Education, with the assistance of other executive agencies, shall report to the General Assembly with recommendations on how to analyze the weighting factors that are used to determine equalized pupil counts under 16 V.S.A. § 4010, and how to analyze the effect of those weighting factors on educational opportunities. The report shall also consider how best to analyze whether any additional weighting factors beyond those currently listed in statute, including population density, could be used to provide education opportunities more equitably. The report shall include recommendations related to the staffing, cost, and data needs of such a study. The report shall be submitted to the Senate and House Committees on Education on or before December 15, 2016.

Which was agreed to and the bill was read the third time.

Pending the question, Shall the bill pass? Rep. Browning of Arlington 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, 98. Nays, 45.

Those who voted in the affirmative are:

Ancel of Calais  Berry of Manchester  Burke of Brattleboro
Bancroft of Westford  Bissonnette of Winooski  Buxton of Tunbridge
Bartholomew of Hartland  Botzow of Pownal  Carr of Brandon
Baser of Bristol  Bragan of Georgia  Clarkson of Woodstock
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Christie of Hartford          Gamache of Swanton          Lippert of Hinesburg
Fields of Bennington          Grad of Moretown             Purvis of Colchester

**Rep. Browning of Arlington** explained her vote as follows:

“Mr. Speaker:

I vote no despite the several useful components of this bill because it fails to meet the needs of Vermonters. It fails to loosen the merger requirements that are making it difficult for some districts to find partners for consolidation. It fails to remove the threat of forced merger by the State Board of Education that hangs over our school boards. It fails to fully explore possible alternative approaches to the reform and renewal of our education finance system. It fails to hold the state responsible for paying for its own policies, instead shifting those costs onto property taxpayers. H.853 fails Vermonters.”

**Rep. Turner of Milton** explained his vote as follows:

“Mr. Speaker:

We could have given all Vermont property tax payers a much needed reduction in their property tax rates had this body not modified Act 46 in the early morning hours of January 30, 2016. Thank you.”

**Bill Read Second Time; Third Reading Ordered**

**H. 879**


House bill entitled

An act relating to the Health Care Fund contribution assessment and the taxation of e-cigarettes

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

Pending the question, Shall the bill be read the third time? **Rep. Helm of Fair Haven** moved that the bill be committed to the committee on Health Care, which was disagreed to on a Division vote. Yeas, 44. Nays, 64.

Pending the question, Shall the bill be read the third time? **Rep. Poirier of Barre City** demanded the yeas and nays, which demand was sustained by the Constitutional number.

Pending the call of the roll, **Rep. Hebert of Vernon** moved to commit the bill to the committee on Human Services.
Pending the question, Shall the bill be committed to the Committee on Human Services? Rep. Turner of Milton 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 be committed to the Committee on Human Services? was decided in the negative. Yeas, 56. Nays, 83.

Those who voted in the affirmative are:

Bancroft of Westford
Batchelor of Derby
Beck of St. Johnsbury
Beyor of Highgate
Bissonnette of Winooski
Brennan of Colchester
Browning of Arlington
Burditt of West Rutland
Canfield of Fair Haven
Condon of Colchester
Crororan of Bennington
Cupoli of Rutland City
Dame of Essex
Devereux of Mount Holly
Dickinson of St. Albans
Donahue of Northfield
Eastman of Orwell
Fagan of Rutland City
Feltus of Lyndon
Fiske of Enosburgh
Forguites of Springfield
Gage of Rutland City
Graham of Williamstown
Hebert of Vernon *
Helm of Fair Haven
Higley of Lowell
Hubert of Milton *
Huntley of Cavendish
Juskiewicz of Cambridge
LaClair of Barre Town
Lawrence of Lyndon
Lefebvre of Newark
Lewis of Berlin
Marcotte of Coventry
Martel of Waterford
McCoy of Poultney
Morrissey of Bennington
Murphy of Fairfax
Myers of Essex
Parent of St. Albans Town
Pearce of Richford
Quimby of Concord
Ram of Burlington
Russell of Rutland City
Savage of Swanton
Scheuermann of Stowe
Shaw of Pittsford
Sibilia of Dover
Smith of New Haven
Tate of Mendon
Terenzini of Rutland Town
Turner of Milton
Van Wyck of Ferrisburgh
Viens of Newport City *
Young of Glover

Those who voted in the negative are:

Ancel of Calais
Bartholomew of Hartland
Baser of Bristol
Berry of Manchester
Botzow of Pownal
Branagan of Georgia
Burke of Brattleboro
Buxton of Tunbridge
Carr of Brandon
Chesnut-Tangerman of Middlesex
Clarkson of Woodstock
Cole of Burlington
Connor of Fairfield
Conquest of Newbury
Copeland-Hanzas of Bradford
Dakin of Chester
Dakin of Colchester
Davis of Washington
Deen of Westminster
Donovan of Burlington
Emmons of Springfield
Evans of Essex
Frank of Underhill
French of Randolph
Gonzalez of Winooski
Greshin of Warren
Haas of Rochester
Head of South Burlington
Hooper of Montpelier
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City
Kitzmiller of Montpelier
Klein of East Montpelier
Komline of Dorset
Krebs of South Hero
Krowinski of Burlington
Lalonde of South Burlington
Lanpher of Vergennes
Lenes of Shelburne
Lippert of Hinesburg
Long of Newfane
Lucke of Hartford
Macaig of Williston
Manwaring of Wilmington
Martin of Wolcott
Masland of Thetford
McCormack of Burlington
McCullough of Williston
McFaun of Barre Town
Miller of Shaftsbury
Morris of Bennington
Mrowick of Putney
Nuovo of Middlebury
O'Brien of Richmond
Olsen of Londonderry
O'Sullivan of Burlington
Patt of Worcester
Pearson of Burlington
Poirier of Barre City
Potter of Clarendon
Rachelson of Burlington
Ryerson of Randolph
Sharpe of Bristol
Sheldon of Middlebury
Stevens of Waterbury
Stuart of Brattleboro
Sullivan of Burlington
Sweaney of Windsor
Toleno of Brattleboro
Toll of Danville
Townsend of South
Trieber of Rockingham
Troiano of Stannard
Walz of Barre City
Webb of Shelburne
Wood of Waterbury
Woodward of Johnson
Wright of Burlington
Yantachka of Charlotte
Zagar of Barnard

Those members absent with leave of the House and not voting are:
Briglin of Thetford
Christie of Hartford
Fields of Bennington
Gamache of Swanton
Grad of Moretown
Partridge of Windham
Pugh of South Burlington
Purvis of Colchester

Rep. Hebert of Vernon explained his vote as follows:
“Mr. Speaker:
Many people outside this building have little faith in what we do here. Our not following process is a major reason why they don’t.”

Rep. Hubert of Milton explained his vote as follows:
“Mr. Speaker:
This bill should have been sent to the committee of jurisdiction and not the tax committee.”

Rep. Till of Jericho explained his vote as follows:
“Mr. Speaker:
This is purely a tax bill. It changes no other policy. Why should it go to the Human Services Committee?”

Rep. Viens of Newport City explained his vote as follows:
“Mr. Speaker:
I have never smoked. Twenty four years ago I was married to a smoker. She tried to quit many times with no luck. She died at the age of 42. Cause of death – plaque in main artery near the heart. Not sure if e-cigarettes would have worked to help her stop smoking and we will never know. The Vermont legislature – the best business partner New Hampshire has ever had!”

Thereupon, the Clerk proceeded to call the roll and the question, Shall the bill be read the third time was decided in the affirmative. Yeas, 83. Nay, 54.
Those who voted in the affirmative are:

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Trieb of Rockingham  
Turner of Milton  
Van Wyck of Ferrisburgh  
Viens of Newport City  
Willhoit of St. Johnsbury  

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

- Briglin of Thetford
- Christie of Hartford
- Davis of Washington
- Fields of Bennington
- Gamache of Swanton
- Grad of Moretown
- Partridge of Windham
- Pugh of South Burlington
- Purvis of Colchester
- Shaw of Derby
- Strong of Albany
- Terenzini of Rutland Town

**Rep. Donahue of Northfield** explained her vote as follows:

“Mr. Speaker:

All I heard in debate was how bad tobacco is for our health. Yet we have a bill before us that taxes tobacco substitutes, not tobacco, and which its reporter tells us is not about health: ‘It’s purely a tax bill.’”

**Rep. Mrowicki of Putney** explained his vote as follows:

“Mr. Speaker:

My vote supports the work of your committee as this issue has been to the Human Services Committee and the evidence and testimony we heard led the committee to include vaping in the bans on public and workplace use we already have in statute for tobacco.

Along with the testimony of physicians I was convinced when I saw the name of the company pushing this product, RJ Reynolds. We have heard their claims about their products’ safety before and so I was convinced to vote for this.”

**Rep. Turner of Milton** explained his vote as follows:

“Mr. Speaker:

This vote is not about Vermonters’ health. When explaining why the bill did not go to the Health or Human Services committees, said best by the presenter of the bill: this is not a health bill, it is simply a tax bill. A bill that assesses another tax or Vermonters! Thank you.”

**Adjournment**

At four o’clock and forty-four minutes in the afternoon, on motion of Rep. Turner of Milton, the House adjourned until tomorrow at one o’clock in the afternoon.