Journal of the House

Thursday, June 9, 2016

VETO SESSION

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

Recess

At ten o'clock and nine minutes in the forenoon, the Speaker declared a recess until eleven o'clock in the forenoon.

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

House Bill Introduced

H. 889

Rep. Deen of Westminster introduced a bill, entitled

An act relating to improving the siting of energy projects

Which was read the first time and referred to the committee on Natural Resources and Energy.

Recess

At eleven o'clock and ten minutes in the forenoon, the Speaker declared a recess until fall of the gavel.

At one o'clock and forty three minutes in the afternoon, the Speaker called the House to order.

Senate Bill Referred

S. 260

Senate bill, entitled

An act relating to improving the siting of energy projects

Was read and pending the referral of the bill to a committee, Rep. Sullivan of Burlington moved to suspend the rules to bring the bill up for immediate consideration.

Pending the question, Shall the rules be suspended to take up the bill for immediate consideration? 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 rules be suspended to take up the bill for immediate consideration? was decided in the negative. Yeas, 79. Nays, 52. A vote of 99 Yeas needed.
Those who voted in the affirmative are:

Bartholomew of Hartland
Bissonnette of Winooski
Brotzow of Pownal
Briglin of Thetford
Browning of Arlington
Buxton of Tunbridge
Carr of Brandon
Chesnut-Tangerman of Middletown Springs
Christie of Hartford
Clarkson of Woodstock
Cole of Burlington
Condron of Colchester
Connor of Fairfield
Conquest of Newbury
Copeland-Hanzas of Bradford
Corcoran of Bennington
Dakins of Chester
Davis of Washington
Deen of Westminster
Donovan of Burlington
Eastman of Orwell
Emmons of Springfield
Fields of Bennington
Forguette of Springfield
Frank of Underhill
French of Randolph
Gonzalez of Winooski
Grad of Moretown
Haas of Rochester
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
Klubert of South Hero
Krowinski of Burlington
Lalonde of South Burlington
Lalonde of Vergennes
Lenes of Shrewsbury
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
Morris of Bennington
Mrowicki of Putney
O’Brien of Richmond
O’Sullivan of Burlington
Partridge of Windham
Patt of Worcester
Pearson of Burlington
Potter of Clarendon
Rachelson of Burlington
Ram of Burlington
Russell of Rutland City
Ryerson of Randolph
Sharpe of Bristol
Sheldon of Middlebury
Sibilia of Dover
Stuart of Brattleboro
Sullivan of Burlington
Sweane of Windsor
Till of Jericho
Toleno of Brattleboro
Townsend of South
Burlington
Troiano of Stannard
Walz of Barre City
Webb of Shelburne
Wood of Waterbury
Woodward of Johnstown
Young of Glover
Zagar of Barnard

Those who voted in the negative are:

Bancroft of Westford
Baser of Bristol
Batchelor of Derby
Beck of St. Johnsbury
Beyor of Highgate
Branagan of Georgia
Brennan of Colchester
Burditt of West Rutland
Canfield of Fair Haven
Cupoli of Rutland City
Dame of Essex *
Devereux of Mount Holly
Dickinson of St. Albans Town
Donahue of Northfield
Fagan of Rutland City
Feltus of Lyndon
Fiske of Enosburgh
Gamache of Swanton
Graham of Williamstown
Greshin of Warren
Hebert of Vernon
Helm of Fair Haven
Higley of Lowell
Hubert of Milton
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
McFaun of Barre Town
Morrissey of Bennington
Murphy of Fairfax
Parent of St. Albans Town
Pearce of Richford
Poirier of Barre City
Purvis of Colchester
Quimby of Concord
Savage of Swanton
Scheuermann of Stowe
Shaw of Pittsford
Shaw of Derby
Smith of New Haven
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:

Ancel of Calais  Head of South Burlington  Pugh of South Burlington
Berry of Manchester  Huntley of Cavendish  Stevens of Waterbury
Burke of Brattleboro  Komline of Dorset  Strong of Albany
Dakin of Colchester  Miller of Shaftsbury  Tate of Mendon
Evans of Essex  Nuovo of Middlebury  Toll of Danville
Gage of Rutland City  Olsen of Londonderry  Trieber of Rockingham

**Rep. Dame of Essex** explained his vote as follows:

“Mr. Speaker:

If members are looking for an obstructionist – look at the Governor who vetoed S.230. This session was called to address his veto; we ought to deal with that first, before starting a brand new process on a brand new bill.”

**Rep. Jerman of Essex** explained his vote as follows:

“Mr. Speaker:

This is a sad vote. Minority leadership has decided to obstruct a simple technical solution supported by almost everyone to negate a 142-0 vote in this House. It pains me on what I thought was my last day to see the Senate act with speed and courage to fix a simple problem and watch planned partisan obstruction thwart that result.”

**Rep. Jewett of Ripton** explained his vote as follows:

“Mr. Speaker:

With a veto of S.230 on our desks, now is the time to remember that politics is about what is possible. S.260 presents what is possible and avoids ending the day in an all or nothing position.”

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

“Mr. Speaker:

The minority party has a role and legislative rules are intended to protect the voices of the few, so that the majority cannot silence them. We have now been forced to test these rules. Our Caucus has stood strong to protect the voices of Vermonters and the integrity of the state’s legislative process. Introducing a new and unvetted bill with modified language, and expecting to pass it in a few hours, sets a bad precedent, and circumvents our legislative process – a process designed to allow all parties, not just special interests, to be heard.”

**Rep. Willhoit of St. Johnsbury** explained his vote as follows:

“Mr. Speaker:
Fool me once, shame on you. Fool me twice shame on me. On the last day of this year’s session, we were presented with S.230 after our caucus’ deadline to suspend rules. Nonetheless, after being directly told by Democratic leadership and the Administration that this compromise would be accepted and not vetoed, my caucus agreed to suspend rules. The reality is…we were lied to. I was told when I first became a member that, despite party, you can trust what is said by a member in this building. As of May 6th, that trust was broken. Despite that trust being broken, I am being asked to believe this new bill, just introduced, does not interfere with the intent and substance of S.230. You have lost my trust. I vote no.”

**Rep. Yantachka of Charlotte** explained his vote as follows:

“Mr. Speaker:

Voting not to suspend rules to take up this bill that clarifies and removes all objections to S.230 that prompted the Governor’s veto is pure politics of obstruction. We have a chance to make a good bill better, but we are prevented from doing so just to score political points.”

**Recess**

At two o’clock and five minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At four o’clock and forty-one minutes in the afternoon, the Speaker called the House to order.

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

**H. 601**

**Rep. Sharpe of Bristol** moved that the committee on Education be relieved of House bill, entitled

An act relating to allowing municipalities to retain certain types of education funding when the school district in that town merges

And that the bill be committed to the committee on Ways and Means.

Pending the question, Shall the House committee on Education be relieved and the same be committed to the House committee on Ways and Means? **Rep. McFauln of Barre Town** 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 House committee on Education be relieved and the same be committed to the House committee on Ways and Means? was decided in the affirmative. Yeas, 75. Nays, 50.
Those who voted in the affirmative are:

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

Ancel of Calais  Grad of Moretown  Pugh of South Burlington
Berry of Manchester  Greshin of Warren  Stevens of Waterbury
Botzow of Pownal  Head of South Burlington  Strong of Albany
Burke of Brattleboro  Huntley of Cavendish  Tate of Mendon
Dickinson of St. Albans  Komline of Dorset  Toll of Danville
Grad of Moretown  Lucke of Hartford  Trieger of Rockingham
Greshin of Warren  Miller of Shaftsbury  Van Wyck of Ferrisburgh
Head of South Burlington  Nuovo of Middlebury
Evans of Essex  Olsen of Londonderry
Fagan of Rutland City  Olsen of Londonderry
Gage of Rutland City

Rep. Sharpe of Bristol explained his vote as follows:

“Mr. Speaker:

This will give us an opportunity to decide whether we will leave a veto in place with no corrective action – or – allow ourselves to pass a good siting bill that will allow increased local input.”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker;

We were asked back to Montpelier, presumably to cast a vote to sustain or override the Governor’s veto. So far we have done everything but that. Now we apparently are into parliamentary maneuvers. Vermonters deserve better than this.”

Rules Not Suspended to Take up Bill for Immediate Consideration

S. 260

Pending entrance of the bill on the Calendar for notice, Rep. Chesnut-Tangerman of Middletown Springs, moved that the rules be suspended and Senate bill, entitled

An act relating to improving the siting of energy projects

Be taken up for immediate consideration.

Pending the question, Shall the rules be suspended to take up S. 260 for immediate consideration? Rep. Hubert 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 rules be suspended to take up S. 260 for immediate consideration? was decided in the negative. Yeas, 76. Nays, 47. A 3/4 vote of 93 Yeas needed.

Those who voted in the affirmative are:

Bartholomew of Hartland  Brigin of Thetford  Buxton of Tunbridge
Bissonnette of Winooski  Browning of Arlington  Carr of Brandon
Those who voted in the negative are:

Bancroft of Westford
Baser of Bristol
Batchelor of Derby
Beck of St. Johnsbury
Beyor of Highgate
Branagan of Georgia
Bremman of Colchester
Burditt of West Rutland
Canfield of Fair Haven
Cupoli of Rutland City
Dame of Essex
Devereux of Mount Holly
Donahue of Northfield
Feltus of Lyndon
Fiske of Enosburgh
Gamache of Swanton
Graham of Williamstown *
Hebert of Vernon
Helm of Fair Haven
Higley of Lowell
Hubert of Milton
Juskiewicz of Cambridge
LaClair of Barre Town
Lefebvre of Newark
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 Town
Pearce of Richford
Poirier of Barre City
Purvis of Colchester *
Quimby of Concord
Savage of Swanton
Scheuermann of Stowe *
Shaw of Pittsford
Shaw of Derby
Smith of New Haven
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:

Ancel of Calais
Berry of Manchester
Botzow of Pownal
Burke of Brattleboro
Dickinson of St. Albans
Town
Evans of Essex
Fagan of Rutland City
Gage of Rutland City
Grad of Moretown
Greshin of Warren
Head of South Burlington
Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

OK, quick history. In May, there is an agreement to a very watered down bill to gain a “no veto” commitment. Now, we are to be strong-armed into just a teeny bit more dilution? I draw a line on bullying and this is it.”

Rep. Graham of Williamstown explained his vote as follows:

“Mr. Speaker:

I voted no. I was called here today to vote on a veto. After 7 hours we have not been allowed to vote on that issue. We just keep playing games so the few can get their way. This is not democracy, it is a dictatorship.”

Rep. Purvis of Colchester explained his vote as follows:

“Mr. Speaker:

I voted no because I fear the governor may veto this bill again which would cost the state even more money when we would need to come back.”

Rep. Scheuermann of Stowe explained her vote as follows:

“Mr. Speaker:

I am hopeful that now these political shenanigans will come to an end and we will have the opportunity to finally vote to override or sustain the governor’s veto of S. 230. After all, that is what we were called in for. So let’s do our job and go home.”

Recess

At five o’clock and twenty-three minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At eight o’clock and fourteen minutes in the evening, the Speaker called the House to order.

Rules Suspended; Favorable Report; Third Reading Ordered;
Rules Suspended; Bill Read Third Time and Passed in Concurrence;
Rules Suspended and Bill Messaged to the Senate Forthwith

S. 260
Pending entrance of the bill on the Calendar for notice, on motion of Rep. Copeland-Hanzas of Bradford, the rules were suspended and Senate bill, entitled

An act relating to improving the siting of energy projects

Was taken up for immediate consideration.

Rep. Ram of Burlington, for the committee on Natural Resources and Energy, reported in favor of its passage in concurrence.

Thereupon, the bill was read the second time and third reading ordered.

On motion of Rep. Copeland-Hanzas of Bradford, the rules were suspended and the bill placed on all remaining stages of passage in concurrence. The bill was read the third time and passed in concurrence and, on motion of Rep. Copeland-Hanzas of Bradford the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Rules Suspended; Governor’s Veto Overridden;
Rules Suspended; Action on the Bill Messaged to the Senate Forthwith

H. 518

On motion of Rep. Murphy of Fairfax, the rules were suspended and House bill, entitled

An act relating to the membership of the Clean Water Fund Board;

 Appearing on the Calendar for notice, was taken up for immediate consideration.

Pursuant to Chapter 2, Section 11, of the Vermont Constitution the Clerk proceeded to call the roll and the question, Shall the bill pass the failure of the Governor to approve notwithstanding? was decided in the affirmative. Yeas, 103. Nays, 10. A two-third vote of 76 required.

Those who voted in the affirmative are:

- Bancroft of Westford
- Baser of Bristol
- Beck of St. Johnsbury
- Beyor of Highgate
- Bissonnette of Winooski
- Branagan of Georgia
- Brennan of Colchester
- Brigin of Thetford
- Browning of Arlington
- Burditt of West Rutland
- Canfield of Fair Haven
- Chesnut-Tangerman of Middletown Springs
- Cole of Burlington
- Connor of Fairfield
- Conquest of Newbury
- Corcoran of Bennington
- Cupoli of Rutland City
- Dakin of Colchester
- Dame of Essex
- Davis of Washington
- Deen of Westminster
- Devereux of Mount Holly
- Donahue of Northfield
- Donovan of Burlington
- Eastman of Orwell
- Emmons of Springfield
- Feltus of Lyndon
- Fields of Bennington
- Fiske of Enosburgh
- Forguites of Springfield
- Frank of Underhill
- French of Randolph
- Garnache of Swanton
- Gonzalez of Winooski
- Graham of Williamstown
- Haas of Rochester
- Helm of Fair Haven
- Higley of Lowell
Those who voted in the negative are:

Bartholomew of Hartland
Buxton of Tunbridge
Carr of Brandon
Christie of Hartford
Copeland-Hanzas of Bradford
Krowinski of Burlington
Manwaring of Wilmington
Klein of East Montpelier *
Klein of East Montpelier *

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

Ancel of Calais
Batchelor of Derby
Berry of Manchester
Botzow of Pownal
Burke of Brattleboro
Clarkson of Woodstock
Condon of Colchester
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Lucke of Hartford
Martel of Waterford
Miller of Shaftsbury
Mrowicki of Putney

Nuovo of Middlebury
Olsen of Londonderry
Poirier of Barre City
Pugh of South Burlington
Purvis of Colchester
Shaw of Derby
Stevens of Waterbury
Strong of Albany
Tate of Mendon
Toll of Danville
Trieb of Rockingham

Rep. Klein of East Montpelier explained his vote as follows:

“Mr. Speaker:

I voted no and I’m not changing my vote.”
On motion of Rep. Sheldon of Middlebury, the rules were suspended and action on the bill was ordered messaged to the Senate forthwith.

**Remarks Journalized**

On motion of Rep. Cupoli of Rutland City, the following remarks by Rep. Russell of Rutland City were ordered printed in the Journal:

"Mr. Speaker:

When reapportionment came, and with it the death of the old House of Representatives, Thomas Chadwick of Chester wrote a long poem in eulogy to "The Fallen House." When he praises the old House as a citidel of common as well as uncommon men, his words are accurate and meaningful.

Vermont's proud sons have long debated here,
Attorneys, soldiers, tillers of the soil,
Inventors, teachers, merchants, men of God,
The rich, the poor; but conscientious all,
They melded here their wisdom and their skills,
Each for the good of all, and all for each.

I have been proud to represent rutland for these six years among some of the finest and most honorable vermonters. As I retire from this house, I do wish to thank you for your help in keeping this revered state house on track!

You embraced a forward vision for vermont, a future of economic growth via our vital rail infrastructure.

I am honored to have served with each of you and those of my colleagues & friends who departed this great house before me.

Allow me to end with this brief speech delivered by one of my favorites, president calvin coolidge of plymouth notch ...

"Vermont is a state I love."

"I could not look upon the peaks of ascutney, killington, mansfield and equinox without being moved in a way that no other scene could move me. It was here that I first saw the light of day; here I received my bride; here my dead lie pillowed on the loving breast of our everlasting hills. I love vermont because of her hills and valleys, her scenery and invigorating climate, but most of all, because of her indominable people. They are a race of pioneers who have almost beggared themselves to serve others. If the spirit of liberty should vanish in other parts of the union and support of our institutions should languish, it could all be replenished from the generous store held by the people of this brave little state of vermont."
AND...From Vermonter Robert Frost's "The Road not taken"...

I shall be telling this with a sigh
Somewhere ages and ages hence:
'Two roads diverged in a wood, and I
I took the one less travelled by,
And that has made all the difference.'

FAREWELL AND GOD'S SPEED MY FRIENDS UNTIL WE MEET AGAIN.”

Message from the Senate No. 74

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 was:


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

Joint Resolution Adopted in Concurrence

J.R.S. 57

By Senator Campbell,


Resolved by the Senate and House of Representatives

That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses sine die on the ninth day of June, 2016.

Was taken up read and adopted in concurrence.

Adjournment

At nine o'clock and twelve minutes in the evening, on motion of Rep. Copeland-Hanzas of Bradford, the House adjourned Sine Die pursuant to the provisions of J.R.S. 57.
Message from the Senate No. 75

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 completed the business of the session and is ready to adjourn sine die, pursuant to the provisions of J.R.S. 57.

Message from the Senate No. 76

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 considered the Governor’s veto of a House bill of the following title:

**H. 518.** An act relating to the membership of the Clean Water Fund Board. And has sustained such veto.