Journal of the House

Friday, February 3, 2017

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

Devotional Exercises

Devotional exercises were conducted by Geof Hewitt, Poet, Calais, VT.

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. 188

By Reps. Wright of Burlington, Christie of Hartford, Cupoli of Rutland City, Dickinson of St. Albans Town, Hill of Wolcott, Jickling of Brookfield, Lewis of Berlin, Parent of St. Albans Town, Poirier of Barre City, Toll of Danville and Young of Glover,

House bill, entitled
An act relating to increasing the penalties for animal cruelty;
To the committee on Agriculture & Forestry.

H. 189

By Rep. Young of Glover,

House bill, entitled
An act relating to allowing a voter’s spouse to pick up an early voter absentee ballot;
To the committee on Government Operations.

H. 190

By Reps. McCormack of Burlington, Colburn of Burlington and Sullivan of Burlington,

House bill, entitled
An act relating to regulating leaf blowers and leaf vacuums;
To the committee on Natural Resources, Fish & Wildlife.
H. 191

By Reps. Dickinson of St. Albans Town, Keefe of Manchester, McFaun of Barre Town, Myers of Essex and Webb of Shelburne,

House bill, entitled

An act relating to the recalculation of a town’s education tax liability after a reduction in property tax values;

To the committee on Ways and Means.

H. 192

By Reps. Masland of Thetford, Briglin of Thetford, Mrowicki of Putney, Troiano of Stannard and Yantachka of Charlotte,

House bill, entitled

An act relating to immunity from liability for licensed professionals providing essential services during emergencies;

To the committee on Judiciary.

H. 193

By Rep. Till of Jericho,

House bill, entitled

An act relating to liability for damage to customer-owned, underground electric service lines;

To the committee on Energy and Technology.

H. 194

By Reps. Baser of Bristol and Deen of Westminster,

House bill, entitled

An act relating to priority housing projects under 10 V.S.A. chapter 151 (Act 250);

To the committee on General, Housing and Military Affairs.

Green Mountain Care Board
Nominating Committee Appointed

Pursuant to 18 V.S.A. § 9390, the Chair hereby appoints the following members to the Green Mountain Care Board Nominating Committee:

Rep. Bancroft of Westford
Rep. Lippert of Hinesburg
Dr. Allan Ramsay
Legislative Advisory Committee
On The State House Appointed

Pursuant to 2 V.S.A. § 651, the Chair hereby appoints the following members to the Legislative Advisory Committee on the State House:

Rep. Burke of Brattleboro
Rep. Kitzmiller of Montpelier
Rep. Strong of Albany

Governor's Snowmobile Council Appointed

Pursuant to 23 V.S.A. § 3216, the Chair hereby appoints the following member to the Governor's Snowmobile Council:

Rep. Nolan of Morristown

Third Reading; Bill Passed

H. 38

House bill, entitled
An act relating to the membership of the Clean Water Fund Board
Was taken up, read the third time and passed.

Senate Bill Considered; Consideration Interrupted

S. 1

Pending third reading of the bill, Rep. Poirier of Barre City moved that the House propose to the Senate to amend the bill as follows:

By adding a new Sec. 2 to read:

Sec. 2. SCHOOL DISTRICT BUDGET VOTES FOR FISCAL YEAR 2018

Notwithstanding any other provision of law, a special school budget vote date is set for Tuesday, May 23, 2017 for school districts to vote a budget for fiscal year 2018. This date shall be in place of the budget votes scheduled under current law for fiscal year 2018 school district budgets.

and by renumbering the remaining section to be numerically correct.

Rep. Wright of Burlington raised a Point of Order whether the amendment was germane. The Speaker ruled the amendment was germane as the amendment and the bill both considered dates for budgeting purposes.

Recess

At ten o'clock and nine minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.
At ten o'clock and thirty five minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Bill Read Third Time; Passed S. 1

Pending the question Shall the House propose to the Senate to amend the bill as proposed by Rep. Poirier of Barre City? Rep. Beck of St. Johnsbury moved to substitute an amendment for the amendment offered by the Rep. Poirier of Barre City, as follows:

Propose to the Senate that the bill be amended by adding a new Sec. 2 to read:

Sec. 2. SCHOOL DISTRICT BUDGET VOTES

Notwithstanding any provision of law, for fiscal year 2019 and every succeeding fiscal year, the electorate of a school district shall vote on the district’s proposed budget no earlier than the Tuesday preceding Memorial Day.

and by renumbering the remaining section to be numerically correct.

Thereupon Rep. Beck of St. Johnsbury asked and was granted leave of the House to withdraw the amendment.

Pending the question, Shall the House propose to the Senate to amend the bill as offered by Rep. Poirier of Barre City? Rep. Poirier of Barre City 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 propose to the Senate to amend the bill as offered by Rep. Poirier of Barre City? was decided in the negative. Yeas, 47. Nays, 87.

Those who voted in the affirmative are:

Ainsworth of Royalton    Gage of Rutland City    Nolan of Morristown
Bancroft of Westford     Gamache of Swanton     Parent of St. Albans Town
Baser of Bristol         Graham of Williamstown   Pearce of Richford
Beck of St. Johnsbury    Hebert of Vernon         Rosenquist of Georgia
Beyor of Highgate        Helm of Fair Haven      Savage of Swanton
Brennan of Colchester    Higley of Lowell        Scheuermann of Stowe
Burditt of West Rutland  Hubert of Milton         Shaw of Pittsford
Canfield of Fair Haven   Juskiewicz of Cambridge  Smith of Derby
Cupoli of Rutland City   LaClair of Barre Town   Smith of New Haven
Devereux of Mount Holly  Lawrence of Lyndon       Strong of Albany
Dickinson of St. Albans  Lefebvre of Newark *   Tate of Mendon
Donahue of Northfield    Lewis of Berlin          Terenzini of Rutland Town
Fagan of Rutland City    Marcotte of Coventry    Turner of Milton
Feltus of Lyndon         McCoy of Poultney        Van Wyck of Ferrisburgh
Those who voted in the negative are:

Ancel of Calais    Giambatista of Essex    Ode of Burlington
Bartholomew of Hartland    Gonzalez of Winooski    O'Sullivan of Burlington
Belaski of Windsor    Grad of Moretown    Partridge of Windham
Bissonnette of Winooski    Greshin of Warren    Poirier of Barre City
Bock of Chester    Haas of Rochester    Potter of Clarendon
Briglin of Thetford    Head of South Burlington    Pugh of South Burlington
Browning of Arlington    Hill of Wolcott    Rachelson of Burlington
Brumsted of Shelburne    Hooper of Montpelier    Sharpe of Bristol
Buckholz of Chester    Hooper of Brookfield    Sheldon of Middlebury *
Carr of Brandon    Howard of Rutland City    Sibilia of Dover
Chesnut-Tangerman of    Jessup of Middlesex    Squirrel of Underhill
Middletown Springs    Jickling of Brookfield    Stevens of Waterbury
Christensen of Weathersfield    Joseph of North Hero    Stuart of Brattleboro
Christie of Hartford    Keenan of St. Albans City    Sullivan of Dorset
Cina of Burlington    Kimbell of Woodstock    Sullivan of Burlington
Colburn of Burlington    Kitzmiller of Montpelier    Taylor of Colchester
Condon of Colchester    Krowinski of Burlington *    Till of Jericho
Conlon of Cornwall    Lalonde of South Burlington    Toll of Danville
Connor of Fairfield    Lanpher of Vergennes    Townsend of South
Conquest of Newbury    Lippert of Hinesburg    Burlington
Copeland-Hanzas of    Long of Newfane    Trier of Rockingham
Corcoran of Bennington    Lucke of Hartford    Troian of Stannard *
Dakin of Colchester    Macaig of Williston    Walz of Barre City
Deen of Westminster    Masland of Thetford    Webb of Shelburne *
Donovan of Burlington    McCullough of Williston    Weed of Enosburgh
Dunn of Essex    Miller of Shaftsbury    Wood of Waterbury
Emmons of Springfield    Morris of Bennington    Wright of Burlington
Forguites of Springfield    Mrowicki of Putney    Yacavone of Morristown
Gannon of Wilmington    Murphy of Fairfax    Young of Glover
Gardner of Richmond    Noyes of Wolcott

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

Batchelor of Derby    Martel of Waterford    Scheu of Middlebury
Botzow of Pownal    McCormack of Burlington    Toleno of Brattleboro
Burke of Brattleboro    Morrissey of Bennington    Yantachka of Charlotte
Fields of Bennington    Olsen of Londonderry
Houghton of Essex    Quimby of Concord
Keefe of Manchester

Rep. Copeland-Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

I vote no. This date change is part of a larger proposal that dumps $138M of new spending on to property tax payers. I don’t think very highly of the
budget proposal that shifts costs onto our property taxes, forces local school districts to throw out their hard-worked budgets and imposes a top-down restriction that will hurt kids as it costs us all more on our property tax bills. Boards are doing hard work to find efficiencies by consolidating with neighboring districts. This is a step backwards.”

**Rep. Krowinski of Burlington** explained her vote as follows:

“Madam Speaker:

We must work together to find solutions to improve education without raising taxes on the backs of hard-working property tax payers and teachers. Let’s make sure we give all Vermont kids a fair shot.”

**Rep. Lefebvre of Newark** explained his vote as follows:

“Madam Speaker:

I voted yes on this amendment because I want to stand up whenever I can to support the call to change the way we fund education.”

**Rep. McCoy of Poultney** explained her vote as follows:

“Madam Speaker:

We are in crisis as far as our Education Funding system is concerned. I’ve heard this body referred to as a ship that takes time to change its direction. We are the Titanic, Madam Speaker, as you used the analogy during the first speech; we are just trying to point out the rocks.”

**Rep. Sharpe of Bristol** explained his vote as follows:

“Madam Speaker:

This date is the lynch pin of the Governor’s education budget plan which will raise taxes and hurt the education of Vermont’s children.”

**Rep. Sheldon of Middlebury** explained her vote as follows:

“Madam Speaker:

Using the blunt tool of requiring zero funded school budgets by May 23rd is disrespectful of the hard work our school boards have already done and an irresponsible approach to addressing our budget challenges.”

**Rep. Stuart of Brattleboro** explained her vote as follows:

“Madam Speaker:

This is too much, too late!”
Rep. Troiano of Troiano explained his vote as follows:

“Madam Speaker:

I voted no. As I looked at the Hardwick Gazette this morning the first 2 pages were filled with articles on each of many towns who have just finalized their school budgets in preparation for town meeting. School boards whose members have reached out to me, school boards who have worked for the past 4 months to get these budgets done have asked me to not support this change. Walden moved their school budget vote to May and the next year the voters voted the budget vote back to March.”

Rep. Turner of Milton explained his vote as follows:

“Madam Speaker:

I vote yes on this amendment in support of moving the date of school budgets out to May 23rd. This will allow the legislature to provide all pertinent information to Vermonters before they vote on school budgets unlike what occurs today. This does not require school boards to change their FY18 budgets or increase property taxes! Thank you.”

Rep. Webb of Shelburne explained her vote as follows:

“Madam Speaker:

Simply moving the school budget vote date creates a distraction for towns facing merger votes, stymies collective bargaining conversations around the state, makes timely implementation of S1 all but impossible and ultimately stands to increase not decrease pressure on the property tax.”

Pending the question, Shall the bill be read a third time? Rep. Beck of St. Johnsbury moved to amend the bill as follows:

By adding a new Sec. 2 to read:

Sec. 2. SCHOOL DISTRICT BUDGET VOTES

Notwithstanding any provision of law, for fiscal year 2019 and every succeeding fiscal year, the electorate of a school district shall vote on the district’s proposed budget no earlier than the Tuesday preceding Memorial Day.

and by renumbering the remaining section to be numerically correct.

Pending the question, Shall the House propose to the Senate to amend the bill as offered by Rep. Beck of St. Johnsbury? Rep. Beck of St. Johnsbury 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 propose to the Senate to amend the bill as offered by Rep.
Beck of St. Johnsbury? was decided in the negative. Yeas, 52. Nays, 83.

Those who voted in the affirmative are:

Ainsworth of Royalton  Graham of Williamstown  Parent of St. Albans Town
Bancroft of Westford  Greshin of Warren  Pearce of Richford
Baser of Bristol  Helbert of Vernon  Rosenquist of Georgia
Beck of St. Johnsbury  Helm of Fair Haven  Savage of Swanton
Beyor of Highgate  Higley of Lowell  Scheuermann of Stowe
Brennan of Colchester  Hubert of Milton  Shaw of Pittsford
Brumsted of Shelburne  Juskiewicz of Cambridge  Smith of Derby
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Fagan of Rutland City  McFaun of Barre Town  Willhoit of St. Johnsbury
Feltus of Lyndon  McFaul of Barre Town  Wright of Burlington *
Frenier of Chelsea  Morrissey of Bennington
Gage of Rutland City  Myers of Essex
Gamache of Swanton  Nolan of Morristown

Those who voted in the negative are:

Ancel of Calais  Gardner of Richmond  Murphy of Fairfax
Bartholomew of Hartland  Giambatista of Essex  Noyes of Wolcott
Belaski of Windsor  Gonzalez of Winooski  Ode of Burlington
Bissonnette of Winooski  Grad of Moretown  O'Sullivan of Burlington
Bock of Chester  Haas of Rochester  Partridge of Windham
Briglin of Thetford  Head of South Burlington  Poirier of Barre City
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Buckholz of Hartford  Hooper of Montpelier  Pugh of South Burlington
Carr of Brandon  Hooper of Brookfield  Rachelson of Burlington
Chesnut-Tangerman of Middletown Springs  Howard of Rutland City  Sharpe of Bristol
Christensen of Weathersfield  Jessup of Middlesex  Sheldon of Middlebury
Christie of Hartford  Joseph of North Hero  Sibilia of Dover
Cina of Burlington  Keenan of St. Albans City  Squirrel of Underhill
Colburn of Burlington  Kimbell of Woodstock  Stevens of Waterbury
Condon of Colchester  Kitzmiller of Montpelier  Sullivan of Dorset
Conlon of Cornwall  Krowinski of Burlington  Sullivan of Burlington
Connor of Fairfield  Lalone of South Burlington  Taylor of Colchester
Conquest of Newbury  Lanpher of Vergennes  Till of Jericho
Copeland-Hanzas of Colchester  Lippert of Hinesburg  Townsend of South
Corcoran of Bennington  Long of Newfane *  Burlington
Dakin of Colchester  Lucke of Hartford  Trieb of Rockingham
Deen of Westminster  Macaig of Williston  Troiano of Stannard
Donovan of Burlington  Masland of Thetford  Walz of Barre City
Dunn of Essex  McCullough of Williston  Webb of Shelburne
Emmons of Springfield  Miller of Shaftsbury  Weed of Enosburgh
Forguites of Springfield  Morris of Bennington  Wood of Waterbury
Those members absent with leave of the House and not voting are:

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Reps. Copeland-Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

School districts already have the freedom to change the date of their vote. If there’s wisdom in the plan I trust they’ll make the changes without our interference.”

Rep. Dunn of Essex explained her vote as follows:

“Madam Speaker:

I voted no on this bill. I do believe that there are systemic changes needed in our educational system. I do not believe that this measure does that. This assembly passed Act 46 in the last biennium. I think we should allow that work to go forward.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

While the Governor’s education proposal may contain some laudable goals, among other things, it also takes away our local authority to decide how much to spend on our public schools and instead, creates imposed spending limits from Montpelier. I have spent the last 22 years in my role as a school board member listening to my local tax payers – and I cannot support this because a change in date will not change anything.”

Rep. Sharpe of Bristol explained his vote as follows:

“Madam Speaker:

I would like to thank the body to allow S.1, the counting of pre-K pupils, to move forward unscathed.”

Rep. Shaw of Pittsford explained his vote as follows:

“Madam Speaker:

If today’s exercise moves the education funding conversation forward it was certainly worth our time spent today.”
Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

I vote no. Changing the date of a vote on school budgets does absolutely nothing to reduce school spending or property taxes.”

Rep. Wright of Burlington explained his vote as follows:

“Madam Speaker:

There are reasons to support this amendment, and reasons to oppose it as well. Voters will have more information in May, but do they really want another election, up to 4 in one year? If by this vote alone we moved the election to May, I could not support it. I vote yes strictly as a conversation starter, one that would need testimony, and much public input before ever adopting it.”

Thereupon, the bill was read a third time and passed in concurrence.

Favorable Report; Read Second Time; Third Reading Ordered

S. 2

Rep. Myers of Essex, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to information sharing by the Commissioner of Financial Regulation

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Rules Suspended; Bill Messaged to Senate Forthwith

On motion of Rep. Turner of Milton, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

S. 1

Senate bill, entitled

An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018

Message from the Senate No. 15

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:
I am directed to inform the House that:

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

**H.C.R. 26.** House concurrent resolution commemorating the 225th anniversary of the Town of Mount Holly.

**H.C.R. 27.** House concurrent resolution congratulating the 2016 Harwood Union High School Highlanders Division II championship girls’ cross-country team.

**H.C.R. 28.** House concurrent resolution honoring Tufts University Medical Center neurosurgery chair Dr. Carl B. Heilman.

**H.C.R. 29.** House concurrent resolution congratulating the 2016 Hartford High School Hurricanes Division I championship football team.

**H.C.R. 30.** House concurrent resolution designating the month of February 2017 as Self-Care Month in Vermont.

**Adjournment**

At twelve o'clock and eighteen minutes in the afternoon, on motion of Rep. Turner of Milton, the House adjourned until Tuesday, February 7, 2017, at ten o’clock in the forenoon, pursuant to the provisions of J.R.S.12.

**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. 26**

House concurrent resolution commemorating the 225th anniversary of the Town of Mount Holly;

**H.C.R. 27**

House concurrent resolution congratulating the 2016 Harwood Union High School Highlanders Division II championship girls’ cross-country team;

**H.C.R. 28**

House concurrent resolution honoring Tufts University Medical Center neurosurgery chair Dr. Carl B. Heilman;
House concurrent resolution congratulating the 2016 Hartford High School Hurricanes Division I championship football team;

H.C.R. 30

House concurrent resolution designating the month of February 2017 as Self-Care Month 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 2017, seventy-fourth Biennial session.]