

# Journal of the House

---

**Tuesday, March 8, 2011**

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

## **Devotional Exercises**

Devotional exercises were conducted by Rev. Michael Augustinowicz of St. Augustine Church, Montpelier.

## **Pledge of Allegiance**

**Page Alexander Pasanen of South Burlington** led the House in the Pledge of Allegiance.

## **Rules Suspended; House Bills Introduced**

House bills of the following titles were severally 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. 361**

By Rep. Fisher of Lincoln,

House bill, entitled

An act relating to Vermont dollars;

To the committee on Commerce and Economic Development.

### **H. 362**

By Rep. Scheuermann of Stowe,

House bill, entitled

An act relating to the amount of surplus funds a school district may deposit into one or more reserve funds;

To the committee on Education.

### **H. 363**

By Reps. Emmons of Springfield and Martin of Springfield,

House bill, entitled

An act relating to veterans' affairs;

To the committee on Appropriations.

**H. 364**

By Rep. Pearson of Burlington,

House bill, entitled

An act relating to election day voter registration;

To the committee on Government Operations.

**H. 365**

By Reps. Scheuermann of Stowe, Crawford of Burke, Dickinson of St. Albans Town, Eckhardt of Chittenden, Hebert of Vernon, Komline of Dorset, Larocque of Barnet, Lewis of Berlin, Manwaring of Wilmington, Marcotte of Coventry, Myers of Essex, Olsen of Jamaica, Pugh of South Burlington, Wilson of Manchester and Young of Albany,

House bill, entitled

An act relating to designating skiing and snowboarding as the official state sports;

To the committee on General, Housing and Military Affairs.

**H. 366**

By Reps. Potter of Clarendon, Browning of Arlington, Burditt of West Rutland, Courcelle of Rutland City, Donaghy of Poultney, Donahue of Northfield, Eckhardt of Chittenden, French of Shrewsbury, Howrigan of Fairfield, Kilmartin of Newport City, Larocque of Barnet, Lawrence of Lyndon, Lewis of Derby, Malcolm of Pawlet, Marcotte of Coventry, McNeil of Rutland Town, Peaslee of Guildhall, Reis of St. Johnsbury and Young of Albany,

House bill, entitled

An act relating to the siting and permitting of wind energy plants;

To the committee on Natural Resources and Energy.

**H. 367**

By Reps. Lorber of Burlington, Mrowicki of Putney, Bartholomew of Hartland, Bohi of Hartford, Edwards of Brattleboro, Haas of Rochester, McCullough of Williston, Sharpe of Bristol, Taylor of Barre City, Trieber of Rockingham and Wizowaty of Burlington,

House bill, entitled

An act relating to labeling genetically engineered food;

To the committee on Agriculture.

**H. 368**

By Reps. Pearson of Burlington and Wizowaty of Burlington,  
House bill, entitled

An act relating to privacy of genetic information;

To the committee on Human Services.

**H. 369**

By Rep. Till of Jericho,

House bill, entitled

An act relating to health professionals regulated by the board of medical practice;

To the committee on Human Services.

**H. 370**

By Reps. Sweaney of Windsor, Botzow of Pownal, Hubert of Milton, Krebs of South Hero and Marcotte of Coventry,

House bill, entitled

An act relating to state contracts for engineering and architectural design services;

To the committee on Government Operations.

**H. 371**

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to animal hoarding;

To the committee on Agriculture.

**H. 372**

By Rep. Sharpe of Bristol,

House bill, entitled

An act relating to self-employment assistance;

To the committee on Commerce and Economic Development.

**H. 373**

By Rep. Fisher of Lincoln,

House bill, entitled

An act relating to closing the gap between effective and marginal tax rates for certain taxpayers;

To the committee on Ways and Means.

**H. 374**

By Reps. Stevens of Waterbury, Pearson of Burlington, Ram of Burlington and South of St. Johnsbury,

House bill, entitled

An act relating to voting by mail;

To the committee on Government Operations.

**H. 375**

By Reps. Pearson of Burlington, Buxton of Royalton, Campton of Bennington, Copeland-Hanzas of Bradford, Degree of St. Albans City, Howard of Cambridge, Johnson of South Hero, Larson of Burlington, Olsen of Jamaica, Ram of Burlington, Scheuermann of Stowe, Trieber of Rockingham, Weston of Burlington and Young of Albany,

House bill, entitled

An act relating to encouraging 18-year-olds to register to vote;

To the committee on Government Operations.

**H. 376**

By Rep. Atkins of Winooski,

House bill, entitled

An act relating to death benefits for dependents of members of the General Assembly;

To the committee on Government Operations.

**H. 377**

By Rep. Atkins of Winooski,

House bill, entitled

An act relating to early retirement allowances;

To the committee on Government Operations.

**H. 378**

By Rep. Martin of Wolcott,  
House bill, entitled  
An act relating to town payments of county taxes;  
To the committee on Government Operations.

**H. 379**

By Rep. Crawford of Burke,  
House bill, entitled  
An act relating to prohibiting smoking in state parks and forests;  
To the committee on Corrections and Institutions.

**H. 380**

By Reps. Condon of Colchester, Bouchard of Colchester, Brennan of Colchester and Spengler of Colchester,  
House bill, entitled  
An act relating to the tax increment financing district in Colchester;  
To the committee on Commerce and Economic Development.

**H. 381**

By Reps. Weston of Burlington, Branagan of Georgia, Gilbert of Fairfax, Lenes of Shelburne, Munger of South Burlington and Pearson of Burlington,  
House bill, entitled  
An act relating to studying the tax consequences of public funding of postsecondary tuition;  
To the committee on Education.

**H. 382**

By Rep. Crawford of Burke,  
House bill, entitled  
An act relating to authorizing the creation of public charter schools in Vermont;  
To the committee on Education.

**H. 383**

By Rep. Crawford of Burke,

House bill, entitled

An act relating to designation of public and approved independent elementary schools;

To the committee on Education.

**H. 384**

By Rep. Koch of Barre Town,

House bill, entitled

An act relating to promoting full transparency of campaign contributions and expenditures;

To the committee on Government Operations.

**H. 385**

By Reps. Pearson of Burlington, Cheney of Norwich, Deen of Westminster, Edwards of Brattleboro, Klein of East Montpelier, Masland of Thetford, Partridge of Windham, Ram of Burlington, Sharpe of Bristol, Weston of Burlington and Wizowaty of Burlington,

House bill, entitled

An act relating to establishing a Vermont common assets trust;

To the committee on Natural Resources and Energy.

**H. 386**

By Rep. Partridge of Windham,

House bill, entitled

An act relating to contest fees;

To the committee on General, Housing and Military Affairs.

**H. 387**

By Reps. Kupersmith of South Burlington, Head of South Burlington, Munger of South Burlington, Pugh of South Burlington, Bissonnette of Winooski, Condon of Colchester, Donovan of Burlington, Poirier of Barre City, Spengler of Colchester and Wright of Burlington,

House bill, entitled

An act relating to tax increment financing;

To the committee on Commerce and Economic Development.

**H. 388**

By Reps. Haas of Rochester, Andrews of Rutland City, Frank of Underhill and McFaun of Barre Town,

House bill, entitled

An act relating to the creation of a task force to evaluate long-term care service needs of Vermont veterans;

To the committee on General, Housing and Military Affairs.

**H. 389**

By Reps. Mrowicki of Putney, Bohi of Hartford, Davis of Washington, Klein of East Montpelier, Lenes of Shelburne, Macaig of Williston, Moran of Wardsboro, Pearson of Burlington, Poirier of Barre City, South of St. Johnsbury, Stevens of Waterbury, Taylor of Barre City, Toll of Danville and Wizowaty of Burlington,

House bill, entitled

An act relating to union organizing;

To the committee on General, Housing and Military Affairs.

**H. 390**

By Reps. Crawford of Burke and Lawrence of Lyndon,

House bill, entitled

An act relating to signal lamp and siren permits for vehicles registered out of state;

To the committee on Transportation.

**H. 391**

By Rep. Weston of Burlington,

House bill, entitled

An act relating to freestanding birthing centers;

To the committee on Health Care.

**H. 392**

By Rep. Weston of Burlington,

---

House bill, entitled

An act relating to Medicaid reimbursement for avoidable cesarean sections;

To the committee on Health Care.

**H. 393**

By Reps. Atkins of Winooski, Brennan of Colchester, Consejo of Sheldon, Fagan of Rutland City and Savage of Swanton,

House bill, entitled

An act relating to slot limits and closed seasons for the taking of fish on the Winooski River;

To the committee on Fish, Wildlife & Water Resources.

**H. 394**

By Reps. Weston of Burlington and Wizowaty of Burlington,

House bill, entitled

An act relating to the regulation of toxic substances;

To the committee on Natural Resources and Energy.

**H. 395**

By Rep. Buxton of Royalton,

House bill, entitled

An act relating to extraction of gravel from watercourses for municipal road maintenance and construction;

To the committee on Fish, Wildlife & Water Resources.

**H. 396**

By Rep. Kitzmiller of Montpelier,

House bill, entitled

An act relating to authorizing company-specific background growth rates for the Vermont employment growth incentive program;

To the committee on Commerce and Economic Development.

**H. 397**

By Rep. McCullough of Williston,

House bill, entitled



An act relating to protecting motor vehicle franchise dealers;  
To the committee on Commerce and Economic Development.

**H. 398**

By Rep. French of Randolph,

House bill, entitled

An act relating to the regulation of dental therapists;  
To the committee on Human Services.

**H. 399**

By Reps. French of Randolph, Batchelor of Derby, Christie of Hartford, Donahue of Northfield, Frank of Underhill, Moran of Wardsboro and Pugh of South Burlington,

House bill, entitled

An act relating to respectful language in referring to people with disabilities;

To the committee on Human Services.

**H. 400**

By Rep. Koch of Barre Town,

House bill, entitled

An act relating to the repeal of chapters 179, 181, 183, and 185 of Title 18 and enactment of a new chapter 180, relating to hospitalization and treatment of persons with mental illness;

To the committee on Human Services.

**H. 401**

By Reps. Pearson of Burlington, Davis of Washington, Donovan of Burlington, French of Randolph, Haas of Rochester, Lorber of Burlington, McCullough of Williston, Mitchell of Barnard, Mrowicki of Putney, Nuovo of Middlebury, Poirier of Barre City, Ram of Burlington, Stevens of Waterbury, Weston of Burlington, Wizowaty of Burlington, Woodward of Johnson and Yantachka of Charlotte,

House bill, entitled

An act relating to raising the personal income tax rates for the highest two income brackets;

To the committee on Ways and Means.

**H. 402**

By Reps. Font-Russell of Rutland City, Andrews of Rutland City, Bohi of Hartford, Christie of Hartford, Courcelle of Rutland City, Fagan of Rutland City, French of Shrewsbury, Lanpher of Vergennes, Martin of Springfield, McNeil of Rutland Town, Trieber of Rockingham and Waite-Simpson of Essex,

House bill, entitled

An act relating to Rutland City downtown leasing income tax incentive pilot project;

To the committee on Commerce and Economic Development.

**H. 403**

By Reps. Kupersmith of South Burlington and Koch of Barre Town,

House bill, entitled

An act relating to foreclosure of mortgages;

To the committee on Judiciary.

**H. 404**

By Reps. Smith of New Haven and Clark of Vergennes,

House bill, entitled

An act relating to exempting taxpayers over the age of 65 from the statewide education property tax;

To the committee on Ways and Means.

**H. 405**

By Reps. Smith of New Haven and Clark of Vergennes,

House bill, entitled

An act relating to freezing appraisal values for taxpayers 65 years of age and older until subsequent transfer;

To the committee on Ways and Means.

**H. 406**

By Reps. Smith of New Haven, Bouchard of Colchester, Clark of Vergennes and Lawrence of Lyndon,

House bill, entitled

An act relating to including commercial or industrial zones as designated growth centers;

To the committee on Commerce and Economic Development.

**H. 407**

By Reps. Sharpe of Bristol, Browning of Arlington, Cheney of Norwich, Clarkson of Woodstock, Edwards of Brattleboro, Masland of Thetford and Spengler of Colchester,

House bill, entitled

An act relating to imposing a royalty for the extraction of groundwater for commercial resale;

To the committee on Fish, Wildlife & Water Resources.

**H. 408**

By Reps. Weston of Burlington, Buxton of Royalton, Clarkson of Woodstock, Davis of Washington, Edwards of Brattleboro, Klein of East Montpelier, Larson of Burlington, Lorber of Burlington, Miller of Shaftsbury, Munger of South Burlington, Pearson of Burlington, Poirier of Barre City, Ram of Burlington, Spengler of Colchester, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho, Webb of Shelburne and Young of Albany,

House bill, entitled

An act relating to baby bonding;

To the committee on Human Services.

**H. 409**

By Rep. Partridge of Windham,

House bill, entitled

An act relating to the control of invasive plant species;

To the committee on Agriculture.

**H. 410**

By Reps. Smith of New Haven and Clark of Vergennes,

House bill, entitled

An act relating to violations for taking deer out of season;

To the committee on Fish, Wildlife & Water Resources.

**H. 411**

By Rep. Lawrence of Lyndon,

House bill, entitled

An act relating to the application of Act 250 to agricultural fairs;

To the committee on Agriculture.

**H. 412**

By Rep. Larson of Burlington,

House bill, entitled

An act relating to harassment and bullying in educational settings;

To the committee on Education.

**H. 413**

By Rep. Grad of Moretown,

House bill, entitled

An act relating to creating a civil action against those who abuse, neglect, or exploit a vulnerable adult;

To the committee on Judiciary.

**H. 414**

By Reps. Wright of Burlington, Branagan of Georgia, Canfield of Fair Haven, Cheney of Norwich, Degree of St. Albans City, Evans of Essex, Hebert of Vernon, Komline of Dorset, Lewis of Berlin, Myers of Essex, O'Brien of Richmond, Till of Jericho, Toll of Danville and Waite-Simpson of Essex,

House bill, entitled

An act relating to permitting evidence of prior bad acts in sexual abuse trials;

To the committee on Judiciary.

**H. 415**

By Reps. Olsen of Jamaica, Branagan of Georgia, Degree of St. Albans City, Howard of Cambridge, McNeil of Rutland Town, Savage of Swanton and Shaw of Pittsford,

House bill, entitled

An act relating to child endangerment;

To the committee on Judiciary.

**H. 416**

By Reps. Smith of New Haven, Bouchard of Colchester, Clark of Vergennes and Lawrence of Lyndon,

House bill, entitled

An act relating to job opportunity building zones;

To the committee on Commerce and Economic Development.

**H. 417**

By Rep. Townsend of Randolph,

House bill, entitled

An act relating to the definition of unidentified corridors and access to Class 4 town highways;

To the committee on Transportation.

**H. 418**

By Reps. Manwaring of Wilmington, Botzow of Pownal, Dakin of Chester, Johnson of South Hero, Marek of Newfane, Martin of Wolcott, Miller of Shaftsbury, Partridge of Windham, Peltz of Woodbury, Toll of Danville, Wilson of Manchester and Winters of Williamstown,

House bill, entitled

An act relating to authorizing placement of certain signs and devices in highway rights-of-way;

To the committee on Transportation.

**H. 419**

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to a process for an uncontested dissolution of a civil union between parties who are nonresidents;

To the committee on Judiciary.

**H. 420**

By the committee on Government Operations,

An act relating to the office of professional regulation;

Under the rule, placed on the Calendar for notice.

**H. 421**

By Reps. Pearson of Burlington, Browning of Arlington, Courcelle of Rutland City, Davis of Washington, Fisher of Lincoln, French of Shrewsbury, Greshin of Warren, Johnson of South Hero, Martin of Springfield, Masland of Thetford, Mrowicki of Putney, Nuovo of Middlebury, Sharpe of Bristol, Stevens of Waterbury and Waite-Simpson of Essex,

House bill, entitled

An act relating to the use and registration of genetically engineered alfalfa seeds in Vermont;

To the committee on Agriculture.

**H. 422**

By Reps. Botzow of Pownal, Donahue of Northfield and Fisher of Lincoln,

House bill, entitled

An act relating to Medicaid for Working Persons with Disabilities;

To the committee on Human Services.

**H. 423**

By Rep. Atkins of Winooski,

House bill, entitled

An act relating to wetlands management;

To the committee on Fish, Wildlife & Water Resources.

**H. 424**

By Rep. Leriche of Hardwick,

House bill, entitled

An act relating to notice of trespass;

To the committee on Government Operations.

**H. 425**

By Rep. Leriche of Hardwick,

House bill, entitled

An act relating to independent contractors;

To the committee on Commerce and Economic Development.

**H. 426**

By the committee on Human Services,

An act relating to extending the state's reporting concerning transportation of children in state custody and transportation of individuals in the custody of the commissioner of mental health;

Under the rule, placed on the Calendar for notice.

**H. 427**

By Reps. Lorber of Burlington, Howard of Cambridge and Pearson of Burlington,

House bill, entitled

An act relating to penalties for possession of marijuana;

To the committee on Judiciary.

**Bill Referred to Committee on Ways and Means****H. 287**

House bill, entitled

An act relating to job creation and economic development

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

**Action on Bill Postponed****H. 120**

House bill, entitled

An act relating to commemorative Boy Scout motor vehicle plates

Was taken up and pending third reading of the bill, on motion of **Rep. Bissonnette of Winooski**, action on the bill was postponed until the next legislative day.

**Rules Suspended; Bill Committed****H. 420**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Sweaney of Windsor**, the rules were suspended and House bill, entitled

An act relating to the office of professional regulation

Was taken up for immediate consideration.

On motion of **Rep. Sweaney of Windsor** the bill was committed to the committee on Government Operations.

**Bill Amended; Third Reading Ordered**

**H. 38**

**Rep. Lewis of Berlin**, for the committee on Education, to which had been referred House bill, entitled

An act relating to adopting the interstate compact on educational opportunity for military children

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 217 is added to read:

§ 217. CHILDREN OF MILITARY FAMILIES

(a) The commissioner shall work with school districts and supervisory unions to support the educational continuity and success of children of military families, whose lives can be disrupted by frequent relocation and parental deployment, by, among other things, facilitating the timely enrollment of a child of a military family, the transfer of education records, and the educational placement process.

(b) When a student who is the child of a military family moves to a new school district, the student's parents or guardian shall provide the school district with proof of residency, official or unofficial school records if available, immunization records, and information by which the school district can contact officials in the school in which the student was previously enrolled.

(1) Within two business days of receiving the information, the school district shall:

(A) enroll and temporarily place the student within a school maintained by the district or to which the district pays tuition; and

(B) request official records from the school in which the student was previously enrolled.

(2) Within the first 30 days after the student's enrollment, the nurse employed by the school shall review the student's immunization records and notify the student's parents or guardian of unsatisfied state requirements regarding immunization and of the exemptions to those requirements, including 18 V.S.A. § 1122(a)(1), which allow a student to remain in school if he or she is in the process of being immunized.



(3) Regardless of the student's age, the school district shall initially place a student in a grade level based upon the student's placement in his or her previous school.

(4) The school district shall initially place the student in educational courses available to other students residing in the district based on the student's enrollment in the courses in the previous school or on assessments conducted at the previous school or both; provided, however, the student may be evaluated after initial placement to ensure appropriate placement and confirm continued enrollment in the educational courses. In this subdivision, "educational courses" include honors, advanced placement, technical, gifted and talented, and English language learner (ELL) courses.

(5) The school district or the governing body of the independent school in which the student is enrolled may waive course and program prerequisites or other preconditions for placement in courses and programs offered by the school in order to meet the student's educational and developmental needs. If the student enrolls in the school at the beginning of or during the 12th grade, then the school district or governing body shall waive local requirements that would delay the student's graduation from secondary school if the student would have satisfactorily completed graduation requirements at the previous school.

(6) If the student is a child with a disability as defined in section 2942 of this title, then the supervisory union of which the school district is a member shall initially provide services to the student that are comparable with those in the individualized education plan or program that was in place in the school in which the student was previously enrolled. This subdivision does not preclude subsequent evaluations to ensure that appropriate services are being provided to the student.

(7) The school in which the student is enrolled may grant excused absences in excess of the number permitted by school policy to allow the student to be with his or her parent or guardian if the parent or guardian has been called to duty for, is on leave from, or has returned from deployment to a combat zone or combat support posting.

(c) For purposes of this section, "child of a military family" means a school-age child whose parent or guardian is a member of the uniformed service of the United States, including the national guard and reserve components, and who has moved into a new school district as a direct result of the activation or deployment of the parent or guardian on military orders.

and that after passage, the title of the bill be amended to read: "An act relating to ensuring educational continuity for children of military families"

---

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Education agreed to and third reading ordered.

**Favorable Report; Third Reading Ordered**

**H. 240**

**Rep. Haas of Rochester**, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to continuing to provide for the receivership of long-term care facilities

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.

**Joint Resolution Committed**

**J.R.H. 13**

House bill, entitled

Joint resolution urging the United States Department of Agriculture to authorize each state to create its own list of foods eligible for purchase with federal Supplemental Nutrition Assistance Program funds or alternatively to authorize a demonstration project allowing the state of Vermont to develop its own list

Appearing on the Calendar for action, was taken up and pending the question, Shall the resolution be adopted? The Speaker committed the resolution to the committee on Human Services pursuant to Rule 52.

**Adjournment**

At ten o'clock and thirty minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.