

# Journal of the House

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**Friday, January 13, 2012**

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

## **Devotional Exercises**

Devotional exercises were conducted by the Speaker.

## **Message from the Senate No. 3**

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 Senate concurrent resolutions of the following titles:

**S.C.R. 25.** Senate concurrent resolution honoring the historic preservation efforts of the Northfield Historical Society Cemetery Project.

**S.C.R. 26.** Senate concurrent resolution recognizing the dedicated public service and career accomplishments of retired Rutland City Police Chief Anthony Bossi.

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

**H.C.R. 204.** House concurrent resolution recognizing January 4, 2012 as Homelessness Day at the State House.

**H.C.R. 205.** House concurrent resolution in memory of the former Dean of the House Representative John Francis Murphy of Ludlow.

**H.C.R. 206.** House concurrent resolution congratulating the 2011 Peoples Academy Wolves Division III championship girls' soccer team.

**H.C.R. 207.** House concurrent resolution congratulating the 2011 Peoples Academy Division III championship boys' soccer team.

**H.C.R. 208.** House concurrent resolution in memory of former Speaker of the House and Vermont statesman Richard Walker Mallery of Brookfield.

**H.C.R. 209.** House concurrent resolution honoring Kathy Boyden for her 40 years of exemplary public service in the town of Williston.

**H.C.R. 210.** House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks' second consecutive New England championship girls' cross-country team.

**H.C.R. 211.** House concurrent resolution in memory of former Representative Mark Mitchell of Barnard.

**H.C.R. 212.** House concurrent resolution congratulating the 2011 Missisquoi Valley Union High School Division III field hockey team.

**H.C.R. 213.** House concurrent resolution congratulating the 2011 Missisquoi Valley Union High School Division II championship baseball team.

**H.C.R. 214.** House concurrent resolution congratulating the 2011 Middlebury Union High School Tigers Division I championship field hockey team.

**H.C.R. 215.** House concurrent resolution honoring the Franklin County Industrial Development Corporation on its 40th anniversary.

**H.C.R. 216.** House concurrent resolution honoring Barbara Brayton for her laudable leadership of the Northfield Senior Center.

**H.C.R. 232.** House concurrent resolution honoring House Calendar Clerk Jean Jasman.

#### **Memorial Service**

The Speaker placed before the House the following names of members of past sessions of the Vermont General Assembly who had passed away recently:

<b>Kermit W. Richardson</b>	Member from Orange Sessions of 1957, 1989, 1991 & 1993
<b>Susan H. Webb</b>	Member from Plymouth Sessions of 1973, 1975, 1977 & 1979

Thereupon, the members of the House rose for a moment of prayer in memory of the deceased members. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved families

#### **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. 529**

By Reps. Webb of Shelburne, Deen of Westminster, McCullough of Williston and Munger of South Burlington,

House bill, entitled

An act relating to establishing a water resources preservation program;

To the committee on Fish, Wildlife & Water Resources.

**H. 530**

By Rep. Jerman of Essex,

House bill, entitled

An act relating to the authority of a jury;

To the committee on Judiciary.

**H. 531**

By Reps. Till of Jericho, Andrews of Rutland City, Bohi of Hartford, Browning of Arlington, Cheney of Norwich, Christie of Hartford, Courcelle of Rutland City, Dakin of Chester, Deen of Westminster, Evans of Essex, Frank of Underhill, French of Randolph, Gilbert of Fairfax, Jerman of Essex, Lenes of Shelburne, Macaig of Williston, Malcolm of Pawlet, Martin of Wolcott, Masland of Thetford, Miller of Shaftsbury, Munger of South Burlington, Nuovo of Middlebury, O'Sullivan of Burlington, Poirier of Barre City, Russell of Rutland City, Spengler of Colchester, Stuart of Brattleboro, Waite-Simpson of Essex, Wilson of Manchester, Wizowaty of Burlington, Yantachka of Charlotte and Zagar of Barnard,

House bill, entitled

An act relating to prescribing a controlled substance;

To the committee on Health Care.

**H. 532**

By Reps. Masland of Thetford and Cheney of Norwich,

House bill, entitled

An act relating to adding Vermont Route 132 to the state highway system;

To the committee on Transportation.

**H. 533**

By Reps. Botzow of Pownal, Marcotte of Coventry, Dickinson of St. Albans Town, Kitzmiller of Montpelier, Kupersmith of South Burlington,

Ralston of Middlebury, Russell of Rutland City, Shand of Weathersfield and Young of Glover,

House bill, entitled

An act relating to insurance business transfers;

To the committee on Commerce and Economic Development.

**H. 534**

By Rep. Poirier of Barre City,

House bill, entitled

An act relating to the reporting requirements of health insurers;

To the committee on Health Care.

**H. 535**

By Reps. Wizowaty of Burlington, Buxton of Tunbridge, French of Shrewsbury, Johnson of South Hero, Lippert of Hinesburg, McCullough of Williston, O'Sullivan of Burlington, Pearson of Burlington, Peltz of Woodbury, Spengler of Colchester and Yantachka of Charlotte,

House bill, entitled

An act relating to racial disparities in the Vermont criminal justice system;

To the committee on Government Operations.

**H. 536**

By Reps. Ram of Burlington, Donovan of Burlington, O'Sullivan of Burlington and Sweaney of Windsor,

House bill, entitled

An act relating to caterer's permits;

To the committee on General, Housing and Military Affairs.

**H. 537**

By Reps. Helm of Fair Haven, Canfield of Fair Haven, Donaghy of Poultney, Larocque of Barnet and McAllister of Highgate,

House bill, entitled

An act relating to Vermont wine;

To the committee on General, Housing and Military Affairs.

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**H. 538**

By Reps. Martin of Wolcott, Evans of Essex, Peltz of Woodbury, Spengler of Colchester, Stuart of Brattleboro, Townsend of Randolph and Woodward of Johnson,

House bill, entitled

An act relating to service of alcoholic beverages in clubs;

To the committee on General, Housing and Military Affairs.

**H. 539**

By Reps. Eckhardt of Chittenden, Browning of Arlington, Komline of Dorset and Till of Jericho,

House bill, entitled

An act relating to the financing plan for Green Mountain Care and the health benefit exchange;

To the committee on Health Care.

**H. 540**

By Rep. Cheney of Norwich,

House bill, entitled

An act relating to raising temporarily the gasoline tax to provide funds for storm-related repairs;

To the committee on Transportation.

**H. 541**

By Reps. Wizowaty of Burlington, Bartholomew of Hartland, Burke of Brattleboro, Edwards of Brattleboro, Hooper of Montpelier, Lippert of Hinesburg, McCullough of Williston, Pearson of Burlington, Poirier of Barre City, Ram of Burlington, Spengler of Colchester, Yantachka of Charlotte and Zagar of Barnard,

House bill, entitled

An act relating to the genuine progress indicator;

To the committee on Commerce and Economic Development.

**H. 542**

By Reps. Wizowaty of Burlington, Ancel of Calais, Aswad of Burlington, Bartholomew of Hartland, Bissonnette of Winooski, Bohi of Hartford, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Christie of

Hartford, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Courcelle of Rutland City, Dakin of Chester, Davis of Washington, Deen of Westminster, Donovan of Burlington, Edwards of Brattleboro, Ellis of Waterbury, Evans of Essex, Fisher of Lincoln, French of Shrewsbury, French of Randolph, Grad of Moretown, Haas of Rochester, Head of South Burlington, Johnson of South Hero, Keenan of St. Albans City, Kitzmiller of Montpelier, Krebs of South Hero, Lanpher of Vergennes, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Martin of Springfield, Masland of Thetford, McCullough of Williston, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Munger of South Burlington, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Potter of Clarendon, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Townsend of Randolph, Trieber of Rockingham, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Woodward of Johnson, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

House bill, entitled

An act relating to creating an expert panel on the creation of a state bank;

To the committee on Commerce and Economic Development.

#### **H. 543**

By Reps. Shand of Weathersfield, Howrigan of Fairfield, Malcolm of Pawlet, Marek of Newfane, Savage of Swanton, Shaw of Pittsford, Stevens of Shoreham and Turner of Milton,

House bill, entitled

An act relating to authorizing fire department vehicles to display a blue light;

To the committee on Transportation.

#### **H. 544**

By Reps. Macaig of Williston, Dakin of Chester, Davis of Washington, Frank of Underhill, Larocque of Barnet and Lenes of Shelburne,

House bill, entitled

An act relating to the use of colored lights by enforcement and emergency vehicles;

To the committee on Transportation.

**H. 545**

By Reps. Munger of South Burlington and McCullough of Williston,  
House bill, entitled

An act relating to the use of formaldehyde in the cleaning of domestic animals' hooves;

To the committee on Agriculture.

**H. 546**

By Rep. Browning of Arlington,  
House bill, entitled

An act relating to guidelines and technical assistance for emergency stream alteration activities;

To the committee on Fish, Wildlife & Water Resources.

**H. 547**

By Rep. Ancel of Calais,  
House bill, entitled

An act relating to the participation in the state's group health insurance program by a state employee eligible for Medicare;

To the committee on Government Operations.

**H. 548**

By Reps. McCullough of Williston, Aswad of Burlington, Bartholomew of Hartland, Bohi of Hartford, Burke of Brattleboro, Christie of Hartford, Condon of Colchester, Conquest of Newbury, Courcelle of Rutland City, Deen of Westminster, Donahue of Northfield, Donovan of Burlington, Fagan of Rutland City, Fisher of Lincoln, Frank of Underhill, Greshin of Warren, Head of South Burlington, Heath of Westford, Hebert of Vernon, Kitzmiller of Montpelier, Kupersmith of South Burlington, Lenex of Shelburne, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Marcotte of Coventry, Martin of Springfield, Masland of Thetford, McFaun of Barre Town, Mrowicki of Putney, Munger of South Burlington, Nuovo of Middlebury, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Ram of Burlington, Russell of Rutland City, Savage of Swanton, Sharpe of Bristol, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Till of Jericho, Webb of Shelburne, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson, Yantachka of Charlotte and Young of Glover,

House bill, entitled

An act relating to passing and yielding to vulnerable users;

To the committee on Transportation.

**H. 549**

By Reps. Wizowaty of Burlington, Bartholomew of Hartland, Edwards of Brattleboro, French of Shrewsbury, Martin of Springfield, McCullough of Williston, Poirier of Barre City, Ram of Burlington, Spengler of Colchester, Waite-Simpson of Essex and Zagar of Barnard,

House bill, entitled

An act relating to establishing state funding eligibility for nonprofit corporations;

To the committee on Commerce and Economic Development.

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

**H. 412**

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

An act relating to harassment and bullying in educational settings

And that the bill be committed to the committee on Judiciary, which was agreed to.

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

**H. 535**

**Rep. Sweaney of Windsor** moved that the committee on Government Operations be relieved of House bill, entitled

An act relating to racial disparities in the Vermont criminal justice system

And that the bill be committed to the committee on Judiciary, which was agreed to.

**Third Reading; Bill Passed**

**H. 505**

House bill, entitled

An act relating to allowing the treasurer to defer the December 1, 2011 education payments to help towns affected by federal disasters in 2011 in Vermont



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Was taken up, read the third time and passed.

**Third Reading; Bill Passed**

**H. 515**

House bill, entitled

An act relating to holding public agencies harmless for disclosure of property tax adjustment information

Was taken up, read the third time and passed.

**Favorable Report; Third Reading Ordered**

**H. 503**

**Rep. Grad of Moretown**, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to eliminating the ability of the sergeant at arms to employ a traffic control officer and requiring the certification of capitol police officers

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.

**Adjournment**

At ten o'clock in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, January 17, 2012, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 38.

**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. 217**

House concurrent resolution in memory of United States Marine Corporal Ian M. Muller of Danville;

**H.C.R. 218**

House concurrent resolution congratulating the 2011 Hartford High School Hurricanes Division I championship football team;

**H.C.R. 219**

House concurrent resolution congratulating Bruce Garrow on being named the 2011 Henry Giaouque Vermont Elementary Principal of the Year;

**H.C.R. 220**

House concurrent resolution congratulating the 2011 Fair Haven Union High School Slaters Division II championship football team;

**H.C.R. 221**

House concurrent resolution congratulating the 2011 Milton High School Yellowjackets Division II girls' soccer championship team;

**H.C.R. 222**

House concurrent resolution congratulating Grafton Elementary School students on winning a Governor's Award for Environmental Excellence;

**H.C.R. 223**

House concurrent resolution congratulating Ann Thompson of Cavendish on her winning a Presidential Award for Excellence in Mathematics and Science Teaching;

**H.C.R. 224**

House concurrent resolution honoring Vermont Public Radio's Vermont Edition for its extraordinary community service in the aftermath of Tropical Storm Irene;

**H.C.R. 225**

House concurrent resolution congratulating the 2011 Woodstock Union High School Wasps Division III championship football team;

**H.C.R. 226**

House concurrent resolution congratulating Edward Webbley on his selection as the 2011 Vermont Principals' Association's Robert F. Pierce Vermont Secondary Principal of the Year;

**H.C.R. 227**

House concurrent resolution congratulating Essex High School teacher Maria Ung on her receipt of a Milken Family Foundation National Education Award;

**H.C.R. 228**

House concurrent resolution honoring outstanding recently retired employees of the Northfield public school system;

**H.C.R. 229**

House concurrent resolution in memory of former Representative Rene L. Blanchard of Essex;

**H.C.R. 230**

House concurrent resolution congratulating the 2011 recipients of the Vermont Truck & Bus Association Master Truck Driver certification;

**H.C.R. 231**

House concurrent resolution expressing sympathy and good wishes to Lieutenant Governor Phil Scott on the fire that severely damaged DuBois Construction Inc.;

[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 2012, seventy-second Adjourned session.]