

Journal of the House

Thursday, January 19, 2012

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

Devotional Exercises

Devotional exercises were conducted by Rev. Paul Habersang of Christ Episcopal Church, Montpelier, VT.

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. 560

By Reps. Sharpe of Bristol and Deen of Westminster,

House bill, entitled

An act relating to the training and certification of a person conducting stream alteration;

To the committee on Fish, Wildlife & Water Resources.

H. 561

By Reps. Olsen of Jamaica, Crawford of Burke and Wilson of Manchester,

House bill, entitled

An act relating to the definition of domicile in Vermont's tax laws;

To the committee on Ways and Means.

H. 562

By Reps. Partridge of Windham, Burke of Brattleboro and Trieber of Rockingham,

House bill, entitled

An act relating to motor vehicle noise;

To the committee on Transportation.

H. 563

By Rep. Buxton of Tunbridge,
House bill, entitled
An act relating to regulation of flood hazard areas;
To the committee on Natural Resources and Energy.

H. 564

By Reps. Botzow of Pownal, Bouchard of Colchester, Moran of Wardsboro,
O'Sullivan of Burlington, Smith of New Haven and Stevens of Waterbury,
House bill, entitled
An act relating to removing abandoned mobile homes;
To the committee on General, Housing and Military Affairs.

H. 565

By Reps. Botzow of Pownal and Marcotte of Coventry,
House bill, entitled
An act relating to regulating licensed lenders and mortgage loan originators;
To the committee on Commerce and Economic Development.

H. 566

By Reps. Clarkson of Woodstock and Stevens of Waterbury,
House bill, entitled
An act relating to residential housing registration;
To the committee on General, Housing and Military Affairs.

H. 567

By Rep. Bohi of Hartford,
House bill, entitled
An act relating to the pro bono licensure of dentists, dental hygienists, and
physicians who are licensed in New Hampshire;
To the committee on Government Operations.

H. 568

By Reps. Masland of Thetford, Cheney of Norwich, Clarkson of
Woodstock, Howard of Cambridge, Howrigan of Fairfield, Mrowicki of

Putney, Till of Jericho and Zagar of Barnard,

House bill, entitled

An act relating to medical marijuana;

To the committee on Human Services.

H. 569

By Rep. Heath of Westford,

House bill, entitled

An act relating to reciprocal recognition of driver examinations;

To the committee on Transportation.

H. 570

By Reps. Wilson of Manchester and Sharpe of Bristol,

House bill, entitled

An act relating to wage withholding orders for overdue rent;

To the committee on General, Housing and Military Affairs.

H. 571

By Reps. Till of Jericho and Copeland-Hanzas of Bradford,

House bill, entitled

An act relating to Vermont's prescribed product manufacturer gift ban and disclosure requirements;

To the committee on Health Care.

H. 572

By Reps. Heath of Westford and Wizowaty of Burlington,

House bill, entitled

An act relating to postdivorce or dissolution health insurance coverage and privacy protections;

To the committee on Health Care.

H. 573

By Reps. Dakin of Chester, Copeland-Hanzas of Bradford, Eckhardt of Chittenden, Komline of Dorset, Spengler of Colchester and Woodward of Johnson,

House bill, entitled

An act relating to health care practitioner signature authority;

To the committee on Health Care.

H. 574

By Rep. Martin of Wolcott,

House bill, entitled

An act relating to wearing blaze orange while hunting deer;

To the committee on Fish, Wildlife & Water Resources.

H. 575

By Rep. Koch of Barre Town,

House bill, entitled

An act relating to owner-financed real estate sales;

To the committee on Commerce and Economic Development.

Message from the Senate No. 5

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. 27. Senate concurrent resolution in memory of former Representative John H. Downs.

S.C.R. 28. Senate concurrent resolution celebrating the centennial anniversary of Montpelier City Hall.

S.C.R. 29. Senate concurrent resolution congratulating the 2011 Johnson State College national Division IV championship women's rugby team.

S.C.R. 30. Senate concurrent resolution recognizing the contribution of Kenric A. Kite to the development of public access television in central Vermont.

S.C.R. 31. Senate concurrent resolution honoring Dr. Frank G. Miglorie for his 41 years of service to and outstanding 28-year tenure as President of the College of St. Joseph.

S.C.R. 32. Senate concurrent resolution honoring the public service work of Brattleboro radio station WTSA during Tropical Storm Irene.

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

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.

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

H. 150

Rep. Brennan of Colchester moved that the committee on Transportation be relieved of House bill, entitled

An act relating to handheld use of portable electronic devices and primary seatbelt enforcement

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

**Bill Read Second Time; Bill Amended; Consideration
Interrupted by Recess**

H. 558

Rep. Heath of Westford spoke for the committee on Appropriations.

House bill entitled

An act relating to fiscal year 2012 budget adjustment

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. Heath of Westford moved that the bill be amended as follows:

First: In Sec. 14, by striking out the figure "127,958,225" and inserting in lieu thereof the figure 125,548,225 and by striking out the figure "232,795,524" and inserting in lieu thereof the figure 234,205,524 and by striking out the figure "24,226,979" and inserting in lieu thereof the figure 25,226,979

Second: In Sec. 61, by striking out the figure "28,681,520" and inserting in lieu thereof the figure 28,381,520 and by striking out the figure "13,516,260" and inserting in lieu thereof the figure 13,816,260

Recess

At one o'clock and forty-five minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At two o'clock and ten minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Bill Amended and Third Reading Ordered

H. 558

Consideration resumed on House bill, entitled

An act relating to fiscal year 2012 budget adjustment;

The recurring question, Shall the bill be amended as recommended by Rep. Heath of Westford? was agreed to.

Pending the question, Shall the bill be read the third time?, **Rep. Davis of Washington** moved to amend the bill as follows:

By striking Sec. 97 and 97a (legislative information technology; e-mail management) in their entirety.

Which was agreed to.

Pending the question, Shall the bill be read a third time? **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 read a third time? was decided in the affirmative. Yeas, 98. Nays, 43.

Those who voted in the affirmative are:

Acinapura of Brandon	Clarkson of Woodstock	Fisher of Lincoln
Ancel of Calais	Condon of Colchester	Frank of Underhill
Andrews of Rutland City	Conquest of Newbury	French of Shrewsbury
Aswad of Burlington	Consejo of Sheldon	French of Randolph
Atkins of Winooski	Copeland-Hanzas of	Gilbert of Fairfax
Bartholomew of Hartland	Bradford	Grad of Moretown
Bissonnette of Winooski	Corcoran of Bennington	Haas of Rochester
Bohi of Hartford	Courcelle of Rutland City	Head of South Burlington
Botzow of Pownal	Dakin of Chester	Heath of Westford
Brennan of Colchester	Davis of Washington	Hooper of Montpelier
Browning of Arlington	Deen of Westminster	Howrigan of Fairfield
Burke of Brattleboro	Donovan of Burlington	Jerman of Essex
Buxton of Tunbridge	Edwards of Brattleboro	Jewett of Ripton
Campion of Bennington	Ellis of Waterbury	Johnson of South Hero *
Cheney of Norwich	Emmons of Springfield	Kitzmiller of Montpelier
Christie of Hartford	Evans of Essex	Klein of East Montpelier

Krebs of South Hero	Mrowicki of Putney	Stevens of Waterbury
Kupersmith of South Burlington	Munger of South Burlington	Stevens of Shoreham
Lanpher of Vergennes	Nuovo of Middlebury	Stuart of Brattleboro
Lenes of Shelburne	O'Brien of Richmond	Sweaney of Windsor
Leriche of Hardwick	O'Sullivan of Burlington	Taylor of Barre City
Lippert of Hinesburg	Partridge of Windham	Till of Jericho
Lorber of Burlington	Pearce of Richford	Toll of Danville
Macaig of Williston	Pearson of Burlington	Townsend of Randolph
Malcolm of Pawlet	Peltz of Woodbury	Trieber of Rockingham
Manwaring of Wilmington	Poirier of Barre City	Waite-Simpson of Essex
Marek of Newfane	Potter of Clarendon	Webb of Shelburne
Martin of Wolcott	Pugh of South Burlington	Wilson of Manchester
Masland of Thetford	Ralston of Middlebury	Woodward of Johnson
McCullough of Williston	Ram of Burlington	Yantachka of Charlotte
Miller of Shaftsbury	Russell of Rutland City	Young of Glover
Mook of Bennington	Shand of Weathersfield	Zagar of Barnard
Moran of Wardsboro	Sharpe of Bristol	
	South of St. Johnsbury	

Those who voted in the negative are:

Batchelor of Derby	Hebert of Vernon	McFaun of Barre Town
Bouchard of Colchester	Helm of Fair Haven	McNeil of Rutland Town
Branagan of Georgia	Higley of Lowell	Myers of Essex
Burditt of West Rutland	Howard of Cambridge	Peaslee of Guildhall
Canfield of Fair Haven	Hubert of Milton	Perley of Enosburgh
Crawford of Burke	Johnson of Canaan	Reis of St. Johnsbury
Degree of St. Albans City	Kilmartin of Newport City	Savage of Swanton
Devereux of Mount Holly	Koch of Barre Town	Scheuermann of Stowe
Dickinson of St. Albans Town	Komline of Dorset	Shaw of Pittsford
Donaghy of Poultney	Larocque of Barnet	Smith of New Haven
Donahue of Northfield	Lawrence of Lyndon	Strong of Albany
Eckhardt of Chittenden	Lewis of Berlin	Turner of Milton *
Fagan of Rutland City	Lewis of Derby	Winters of Williamstown
Greshin of Warren	Marcotte of Coventry	Wright of Burlington
	McAllister of Highgate	

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

Clark of Vergennes	Morrissey of Bennington	Wizowaty of Burlington
Keenan of St. Albans City	Olsen of Jamaica	
Martin of Springfield	Spengler of Colchester	

Rep. Johnson of South Hero explained her vote as follows:

“Mr. Speaker:

This budget adjustment decreased General Fund spending by a quarter of a million dollars and ends the fiscal year with the same number of positions with

which we began the year. We've spent less and held the size of state government level. I appreciate your support."

Rep. Turner of Milton explained his vote as follows:

"Mr. Speaker:

Our caucus supports many of the provisions contained in this bill. Especially, those that pertain to tropical storm IRENE and LIHEAP. However, we cannot support growing the state's future pension, healthcare and other liabilities. Authorizing the hiring of 50 new employees in the Budget Adjustment Act is not a normal practice and will add millions of dollars of employee related liability to future state budgets. We have spent the last several sessions reducing the number of state employees to balance our budgets throughout the recession years. However, since this administration has taken office they have added more than 70 new employees in the FY12 budget, propose 50 in this proposal and will likely be proposing more in FY13. We do not support growing the number of state employees, no matter how many positions remain open or vacant in state government.

The devastation and harm Vermonters endured as a result of tropical storm IRENE should not be exploited, used as an excuse or leverage to hire new state employees or to grow state government in areas not impacted by the storm."

Thank you."

Joint Resolution Adopted

J.R.H. 20

Joint resolution, entitled

Joint resolution authorizing 2012 Green Mountain Boys' State to conduct a civic education program at the State House;

Was taken up and adopted on the part of the House.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 563

Rep. Klein of East Montpelier moved that the committee on Natural Resources and Energy be relieved of House bill, entitled

An act relating to regulation of flood hazard areas

And that the bill be committed to the committee on Fish, Wildlife & Water Resources, which was agreed to.

Adjournment

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