

# Journal of the House

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Friday, February 3, 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 State House Singers.

## Message from the Senate No. 10

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 considered a bill originating in the House of the following title:

**H. 258.** An act relating to public participation in environmental enforcement proceedings.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered a bill originating in the House of the following title:

**H. 505.** 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.

And has passed the same in concurrence.

The Senate has on its part adopted joint resolutions of the following titles:

**J.R.S. 41.** Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

**J.R.S. 42.** Joint resolution relating to establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2012.

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

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**Committee Bill Introduced****H. 752**

**Rep. Deen of Westminster**, for the committee on Fish, Wildlife & Water Resources, introduced a bill, entitled

An act relating to permitting stormwater discharges in impaired watersheds

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

**Committee Bill Introduced****H. 753**

**Rep. Donovan of Burlington**, for the committee on Education, introduced a bill, entitled

An act relating to encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

**Joint Resolution Adopted in Concurrence****J.R.S. 41**

By Senator Campbell,

**J.R.S. 41.** Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, February 16, 2012, at ten o'clock and thirty minutes in the forenoon to elect two legislative Trustees of the Vermont State Colleges Corporation to serve a four year term commencing March 1, 2012, and expiring on March 1, 2016. In case election of all such Trustees shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and

Was taken up read and adopted in concurrence.

**Joint Resolution Placed on Calendar****J.R.S. 42**

By Senator Campbell,

**J.R.S. 42.** Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2012.

*Whereas*, in recent years it has become increasingly necessary to shorten the length of time spent by the General Assembly in joint session for the election of various officials, and

*Whereas*, if elections for multiple vacancies were to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of two legislative trustees of the Vermont State Colleges Corporation at a Joint Assembly to be held on February 16, 2012, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be two.

(2) The two candidates receiving the greater number of votes shall be declared elected to fill the two vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or both of the two vacant positions, then voting shall continue on successive ballots for the unfilled position or positions until the vacancies have been filled by election declared of the two candidates receiving the greater number of votes.

Which was read and, in the Speaker's discretion, placed on the Calendar for action on the next legislative day under Rule 52.

**House Resolution Adopted**

**H.R. 15**

House resolution, entitled

House resolution urging Vermonters to respect personal privacy in the dissemination of information heard on a public safety scanning receiver

Offered by: Representative Klein of East Montpelier

Whereas, it is not uncommon for individuals to own scanning receivers designed to monitor the transmissions of public safety agencies, and

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Whereas, via the scanners, Vermonters listen to public safety transmissions for informational and hobbyist purposes, and

Whereas, public safety officials will on occasion broadcast information on scanner frequencies relating to the death or serious injury of an individual, be it due to natural causes or violent action, and

Whereas, although 13 V.S.A. § 3014 prohibits the use of information derived from a scanner transmission for criminal purposes, Vermont law is silent on the use of this information for noncriminal purposes, and

Whereas, the federal Electronic Privacy Act, codified as 18 U.S.C. § 2511, prohibits intercepting electronic transmissions by wire or radio, but the mere repetition of information heard on a scanner for noncriminal purposes does not appear to violate the act, and

Whereas, the officials broadcasting this highly personal information are often announcing its existence for the first time prior to the notification of next of kin, and

Whereas, public safety organizations and the military, in reporting events and incidents involving serious injury or death, typically delay releasing the names of persons injured or deceased until next of kin are duly notified, and

Whereas, an unofficial release of names of injured or deceased individuals, either to family members or the public, based on information derived from a public safety scanner transmission may cause great personal distress for the next of kin who have yet to receive official notification from public safety officials, and

Whereas, the benefit the public derives from the use of police scanners depends on Vermonters upholding their responsibility to use any information so derived in a responsible and respectful way that honors the privacy of persons connected to the information, and

Whereas, a real-life example of the tragic consequences that can flow from third-party release of police scanner-transmitted information occurred on September 21, 2011, when Kendra Downen, residing out of state, learned from an acquaintance's text message of her father's sudden and unexpected death in Middlesex, and

Whereas, the message was triggered when a local merchant, who heard the information on a police scanner, informed his part-time employee of the death, and

Whereas, Kendra's younger sister, Allyson, did learn of the death from their mother, Penny Downen, but Ms. Downen was forced to call her younger daughter

with little time to compose herself, and immediately after the phone call, Allyson's phone became filled with text messages, and

Whereas, local dispatchers may eventually be able to encode these types of messages to rescue squads with the use of digital technology, but the date of implementation of these new radio transmission systems is estimated to be at least five years from now, and

Whereas, the next of kin are entitled to learn of tragic news in the most dignified and private manner possible, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges all Vermonters to respect the privacy of families whose relative's injury or death has been ascertained from a public safety scanner transmission and to allow the appropriate public safety officials or an initially contacted family member to convey properly the tragic news in a dignified and thoughtful manner, and be it further

Resolved: That the Clerk of the House be directed to send copies of this resolution to members of the Downen family in Middlesex.

Which was read and adopted.

### **Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time and passed:

#### **H. 51**

House bill, entitled

An act relating to expanding the issuance of gold star registration plates

#### **H. 327**

House bill, entitled

An act relating to the uniform principal and income act

#### **H. 403**

House bill, entitled

An act relating to foreclosure of mortgages

#### **H. 413**

House bill, entitled

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

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

**S. 249**

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to Vermont Strong commemorative motor vehicle plates;

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

**Rep. Courcelle of Rutland City**, for the committee on Transportation, to which the bill had been referred reported in favor of its passage in concurrence.

**Rep. Clarkson of Woodstock**, for the committee on Ways and Means, recommended that the bill ought to pass in concurrence.

**Rep. Helm of Fair Haven**, for the committee on Appropriations, recommended that the bill ought to pass in concurrence.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committees on Transportation, Ways and Means and Appropriations agreed to and third reading ordered.

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

**Consideration Interrupted by Recess**

**H. 630**

House bill, entitled

An act relating to reforming Vermont's mental health system

Was taken up and pending third reading of the bill, **Rep. Savage of Swanton** moved to amend the bill as follows:

First: In Sec. 9, INPATIENT HOSPITAL BEDS, by striking subdivision (a)(1) in its entirety and inserting in lieu thereof:

(1) Notwithstanding 18 V.S.A. chapter 221, subchapter 5, the department of mental health shall enter into contracts that meet the

requirements of subdivision (2) of this subsection with a hospital in southeastern Vermont and a hospital in southwestern Vermont for the establishment of a 14-bed unit and a six-bed unit, respectively.

Second: In Sec. 9, INPATIENT HOSPITAL BEDS, subdivision (b)(1), after the first sentence, by adding the following sentence: “If the hospital owned and operated by the state is located contiguous to the Central Vermont Medical Center, the provisions of 18 V.S.A. chapter 221, subchapter 5 shall be waived.”

Third: By adding Sec. 37c to read as follows:

Sec. 37c. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

\* \* \*

(v) No permit or permit amendment shall be required for construction of a 25-bed mental health hospital owned and operated by the state in central Vermont.

#### **Recess**

At ten o'clock and thirty minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

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

#### **Consideration Resumed; Bill Read Third Time and Passed; Rules Suspended and Bill Messaged to the Senate Forthwith**

#### **H. 630**

Consideration resumed on House bill, entitled

An act relating to reforming Vermont's mental health system;

Pending the question, Shall the House amend the bill as recommended by Rep. Savage of Swanton? **Rep. Turner of Milton** asked and was granted leave of the House to withdraw the amendment, which was agreed to.

Thereupon, the bill was read the third time and passed.

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

#### **Adjournment**

At one o'clock and ten minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 7, 2012 at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 43.

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**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. 252**

House concurrent resolution recognizing the essential health care role of licensed pharmacists in Vermont;

**H.C.R. 253**

House concurrent resolution congratulating the Community College of Vermont on the opening of its new Rutland City campus;

[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.]