

# Journal of the House

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Thursday, March 26, 2009

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

## Devotional Exercises

Devotional exercises were conducted by Gordon Tallman, Vermont poet and farmer from Hyde Park, VT.

## Bill Referred to Committee on Ways and Means

### H. 438

House bill, entitled

An act relating to the state's transportation program;

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

## Joint Resolution Placed on Calendar

### J.R.H. 15

Joint resolution relating to the designation of commemorative observances in concurrent resolutions

Offered by: House committee on rules

Whereas, annually, a number of resolutions designating a set period time to commemorate an event, celebrate a festival, or inform the public of a chronic physical condition or illness are presented before the General Assembly, and

Whereas, the Speaker of the House and the President of the Senate often place these resolutions on their respective body's calendar for consideration the next legislative day pursuant to House Rule 52 and Senate Rule 51, and

Whereas, these resolutions, other than their designation of a period of time, meet the general criteria for concurrent resolutions set forth in Joint Rule 16a and their adoption as concurrent resolutions would expedite the legislative process, now therefore be it

Resolved by the Senate and House of Representatives:

That Joint Rule 16a of the Joint Rules of the Senate and House of Representatives is amended to read:

16a. Resolutions that express sentiments of congratulations, commendations, condolences, or the like, or that designate, on a one-time

basis, a specified period of time for a commemorative or public education purpose and do not address matters related to public policy, the rules and operations of either or both houses of the General Assembly, or other matters, shall be styled as concurrent resolutions, and may be jointly cosponsored by members of the Senate and House. The Senate and House cosponsors shall appear separately on two distinctive sponsorship lists on the concurrent resolution. ~~If members of the Senate and House cosponsor a concurrent resolution, it shall be introduced initially in the legislative body of the primary sponsor.~~ A concurrent resolution shall be cited by title only in the permanent journals of the Senate and House with a cite to the Acts and Resolves for that session unless it has been treated as a bill or subject of a roll call vote, in which case, the resolution shall be printed in the permanent journal of the voting legislative body.

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

### **Bill Amended, Read Third Time and Passed**

#### **H. 15**

House bill, entitled

An act relating to aquatic nuisance control

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

First: In Sec. 1, 10 V.S.A. § 1452, by inserting a new subdivision (6) to read as follows:

(6) "Lessee" means a person who acquires the right to occupancy or use of property under a lease or rental agreement.

and by renumbering subdivisions to be numerically correct

Second: In Sec. 1, 10 V.S.A. § 1457(a), in the second sentence by striking the word "occupant" where it appears and inserting in lieu thereof "lessee"

Which was agreed to to. Thereupon, the bill was read the third time and passed.

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

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

#### **H. 80**

House bill, entitled

An act relating to the use of chloramine as a disinfectant in public water systems;

**H. 94**

House bill, entitled

An act relating to the collection and recycling of mercury-added lamps;

**H. 186**

House bill, entitled

An act relating to authorizing the department of fish and wildlife to administer polygraph examinations to applicants for law enforcement positions;

**H. 205**

House bill, entitled

An act relating to reporting to the Vermont criminal justice training council;

**H. 431**

House bill, entitled

An act relating to miscellaneous adjustments to the public retirement systems;

**Bill Read Second Time; Third Reading Ordered****H. 435**

**Rep. Frank of Underhill** spoke for the committee on Human Services.

House bill entitled

An act relating to palliative care

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Rep. Donovan of Burlington** in Chair.

**Bill Read Second Time; Third Reading Ordered****H. 436**

**Rep. Klein of East Montpelier** spoke for the committee on Natural Resources and Energy.

House bill entitled

An act relating to decommissioning and decommissioning funds of nuclear energy generation plants

Having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the bill be read the third time? **Rep. Clark of Vergennes** moved to commit the bill to the committee on Judiciary.

Pending the question, Shall the bill be committed to the Committee on Judiciary? **Rep. Nease of Johnson** 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 committed to the Committee on Judiciary? was decided in the negative. Yeas, 44. Nays, 97.

Those who voted in the affirmative are:

Acinapura of Brandon	Fagan of Rutland City	McFaun of Barre Town
Adams of Hartland	Flory of Pittsford	McNeil of Rutland Town
Ainsworth of Royalton	French of Shrewsbury	Morley of Barton
Baker of West Rutland	Helm of Castleton	Morrissey of Bennington
Branagan of Georgia	Higley of Lowell	Myers of Essex
Brennan of Colchester	Hube of Londonderry	O'Donnell of Vernon
Canfield of Fair Haven	Hubert of Milton	Pearce of Richford
Clark of Vergennes	Johnson of Canaan	Peaslee of Guildhall
Clerkin of Hartford	Kilmartin of Newport City	Reis of St. Johnsbury
Crawford of Burke	Komline of Dorset	Savage of Swanton
Devereux of Mount Holly	Larocque of Barnet	Scheuermann of Stowe
Dickinson of St. Albans Town	Lawrence of Lyndon	Turner of Milton
Donaghy of Poultney	Lewis of Derby	Wheeler of Derby
Donahue of Northfield	McAllister of Highgate	Winters of Williamstown
	McDonald of Berlin	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Evans of Essex	Larson of Burlington
Andrews of Rutland City	Fisher of Lincoln	Lenes of Shelburne
Atkins of Winooski	Frank of Underhill	Lerich of Hardwick
Audette of South Burlington	French of Randolph	Lippert of Hinesburg
Bissonnette of Winooski	Geier of South Burlington	Lorber of Burlington
Bohi of Hartford	Gilbert of Fairfax	Macaig of Williston
Botzow of Pownal	Grad of Moretown	Maier of Middlebury
Bray of New Haven	Greshin of Warren	Malcolm of Pawlet
Browning of Arlington	Haas of Rochester	Manwaring of Wilmington
Burke of Brattleboro	Head of South Burlington	Marek of Newfane
Cheney of Norwich	Heath of Westford	Martin of Springfield
Clarkson of Woodstock	Hooper of Montpelier	Martin of Wolcott
Conquest of Newbury	Howard of Rutland City	Masland of Thetford
Consejo of Sheldon	Howrigan of Fairfield	McCullough of Williston
Copeland-Hanzas of Bradford	Jerman of Essex	Milkey of Brattleboro
Corcoran of Bennington	Jewett of Ripton	Miller of Shaftsbury
Courcelle of Rutland City	Johnson of South Hero	Minter of Waterbury
Davis of Washington	Keenan of St. Albans City	Mitchell of Barnard
Deen of Westminster	Kitzmiller of Montpelier	Mook of Bennington
Edwards of Brattleboro	Klein of East Montpelier	Moran of Wardsboro
Emmons of Springfield	Krawczyk of Bennington	Mrowicki of Putney
	Lanpher of Vergennes	Nease of Johnson

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Nuovo of Middlebury	Shand of Weathersfield	Townsend of Randolph
O'Brien of Richmond	Sharpe of Bristol	Waite-Simpson of Essex
Obuchowski of Rockingham	Smith of Mendon	Webb of Shelburne
Orr of Charlotte	South of St. Johnsbury	Westman of Cambridge
Partridge of Windham	Spengler of Colchester	Weston of Burlington
Pellett of Chester	Stevens of Waterbury	Wilson of Manchester
Peltz of Woodbury	Stevens of Shoreham	Wizowaty of Burlington
Potter of Clarendon	Sweaney of Windsor	Young of St. Albans City
Pugh of South Burlington	Taylor of Barre City	Zenie of Colchester
Ram of Burlington	Till of Jericho	Zuckerman of Burlington
Rodgers of Glover	Toll of Danville	

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

Aswad of Burlington	Marcotte of Coventry	Smith of Morristown
Condon of Colchester	Perley of Enosburg	Trombley of Grand Isle
Koch of Barre Town	Poirier of Barre City	

**Speaker** back in Chair.

Pending the question, Shall the bill be read a third time? **Rep. Komline of Dorset** 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, 95. Nays, 47.

Those who voted in the affirmative are:

Ancel of Calais	Frank of Underhill	Macaig of Williston
Andrews of Rutland City	French of Shrewsbury	Maier of Middlebury
Atkins of Winooski	French of Randolph	Malcolm of Pawlet
Bissonnette of Winooski	Geier of South Burlington	Manwaring of Wilmington
Bohi of Hartford	Gilbert of Fairfax	Marek of Newfane *
Botzow of Pownal	Grad of Moretown	Martin of Springfield
Bray of New Haven	Haas of Rochester	Martin of Wolcott
Browning of Arlington	Head of South Burlington	Masland of Thetford
Burke of Brattleboro	Heath of Westford	McCullough of Williston
Cheney of Norwich	Hooper of Montpelier	Milkey of Brattleboro
Clarkson of Woodstock	Howard of Rutland City	Miller of Shaftsbury
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Corcoran of Bennington	Keenan of St. Albans City	Moran of Wardsboro
Courcelle of Rutland City	Kitzmiller of Montpelier	Mrowicki of Putney
Davis of Washington	Klein of East Montpelier	Nease of Johnson
Deen of Westminster	Krawczyk of Bennington	Nuovo of Middlebury
Donovan of Burlington	Lanpher of Vergennes	O'Brien of Richmond
Edwards of Brattleboro	Larson of Burlington	Obuchowski of Rockingham
Emmons of Springfield	Lenes of Shelburne	Orr of Charlotte
Evans of Essex	Leriche of Hardwick	Partridge of Windham
Fisher of Lincoln	Lippert of Hinesburg	Pellett of Chester
	Lorber of Burlington	Peltz of Woodbury

Potter of Clarendon	Spengler of Colchester	Waite-Simpson of Essex
Pugh of South Burlington	Stevens of Waterbury	Webb of Shelburne
Ram of Burlington	Stevens of Shoreham	Weston of Burlington
Rodgers of Glover	Sweaney of Windsor	Wilson of Manchester
Shand of Weathersfield	Taylor of Barre City	Wizowaty of Burlington
Sharpe of Bristol	Till of Jericho	Young of St. Albans City
Smith of Mendon	Toll of Danville	Zenie of Colchester
South of St. Johnsbury	Townsend of Randolph	Zuckerman of Burlington

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Baker of West Rutland	Higley of Lowell	Myers of Essex
Branagan of Georgia	Howrigan of Fairfield	O'Donnell of Vernon
Brennan of Colchester	Hube of Londonderry	Pearce of Richford
Canfield of Fair Haven	Hubert of Milton	Peaslee of Guildhall
Clark of Vergennes	Johnson of Canaan	Reis of St. Johnsbury
Clerkin of Hartford	Kilmartin of Newport City	Savage of Swanton
Crawford of Burke	Komline of Dorset	Scheuermann of Stowe
Devereux of Mount Holly	Larocque of Barnet	Turner of Milton
Dickinson of St. Albans Town	Lawrence of Lyndon	Westman of Cambridge
Donaghy of Poultney	Lewis of Derby	Wheeler of Derby
Donahue of Northfield *	McAllister of Highgate	Winters of Williamstown
	McDonald of Berlin	Wright of Burlington *

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Koch of Barre Town	Poirier of Barre City	

**Rep. Donahue of Northfield** explained her vote as follows:

“Mr. Speaker:

There has been no response as to why we would take up a bill now that will not take effect unless we take one particular of two possible later actions – either of which will be based upon all the relevant factors to protect Vermonters and which must occur before the effective date of this bill.”

**Rep. Marek of Newfane** explained his vote as follows:

“Mr. Speaker:

This bill is about answering two simple questions; will a piece of Vermont be cleaned up within any of our lifetimes?; will the one who profited from its use pay the cost? Just as for this bill, the answers should be “yes”.”

**Rep. Wright of Burlington** explained his vote as follows:

“Mr. Speaker:

I voted no in committee, but held open the possibility of changing to a “yes: vote on the floor. However, not getting answers to important legal questions, in addition to the great concerns we heard from businesses critical to Vermont’s future, such as IBM, left me with no choice but to remain a close no.”

**Rep. Pellett of Chester** in Chair.

### **Favorable Report; Third Reading Ordered**

#### **H. 213**

**Rep. Stevens of Waterbury**, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act to provide fairness to tenants in cases of contested housing security deposit withholding

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 Adopted**

#### **J.R.H. 14**

Joint resolution, entitled

Joint resolution relating to the closure and rehabilitation of the Vilas Bridge;

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

### **Adjournment**

At five o'clock in the afternoon, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.