

Journal of the House

Friday, April 3, 2009

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

Devotional Exercises

Devotional exercises were conducted by Pastor David Neulan of Morningstar Fellowship Church, Barre, VT.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Susanna Billings of Tunbridge
Neel Desai of South Burlington
Shoshana Goldman of Plainfield
Isabel Hardy of Barre
Laura Harris of Williston
Jeff Heney of Essex
Emma Horowitz-McCadden of Plainfield
Sebastian Lissarrague of Shelburne
Ellen Sartorelli of Williston
Noa Shems of Moretown

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 19

Senate bill, entitled

An act relating to extension of filing deadlines for homestead declarations and property tax adjustment claims;

To the committee on Rules.

S. 28

Senate bill, entitled

An act relating to the regulation of landscape architects;

To the committee on Government Operations.

S. 58

Senate bill, entitled
An act relating to electronic payment of wages;
To the committee on Rules.

S. 109

Senate bill, entitled
An act relating to brominated flame retardants;
To the committee on Natural Resources and Energy.

S. 128

Senate bill, entitled
An act relating to workers' compensation benefits and misclassification;
To the committee on Commerce and Economic Development.

Joint Resolution Adopted**J.R.H. 17**

Joint resolution accepting a Federal Emergency Grant designated as JFO #2371 to repair damage resulting from the December 2008 ice storm

Offered by: Representatives Obuchowski of Rockingham, Ancel of Calais, Larson of Burlington and Heath of Westford

Whereas, on December 12, 2008, a severe ice storm struck the southern Vermont counties of Bennington and Windham, causing extensive damage to public facilities belonging to the state, to local governments, and to nonprofit organizations, and

Whereas, the severity of the damage resulted in the governor's declaring these counties as disaster areas in accordance with federal law, thus qualifying them for possible federal financial assistance to help pay for the required repair work, and

Whereas, the Federal Emergency Management Agency has recently awarded the state of Vermont a grant totaling \$825,845.40 to help pay the repair costs, and the Joint Fiscal Office has designated that grant as JFO #2371, and

Whereas, pursuant to 32 V.S.A. § 5(1), the governor has sent his written approval of the state acceptance of the grant to the Joint Fiscal Office, and

Whereas, in accordance with 32 V.S.A. § 5(2), when the general assembly is in session, the governor's acceptance is final after 30 days if a member of

the joint fiscal committee does not request that it be held for legislative approval, and

Whereas, the urgency of proceeding with the work for which these funds are intended necessitates ending the statutory waiting period as quickly as possible, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly accepts a Federal Emergency Management Agency grant designated as JFO #2371.

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

Rules Suspended; Bill Committed

J.R.H. 11

On motion of **Rep. Donovan of Burlington**, the rules were suspended and House bill, entitled

Joint resolution urging Vermonters and public and private organizations in the state to institute a voluntary 20 percent reduction in energy use;

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

Pending the reading of the report of the committee on Education, **Rep. Donovan of Burlington** moved to commit the resolution to the committee on Natural Resources and Energy, which was agreed to.

Bill Amended, Read Third Time and Passed

H. 441

House bill, entitled

An act making appropriations for the support of government

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

First: In Sec. B.301, by striking out the figure "1,020,256,830" where it twice appears and inserting in lieu thereof the figure 1,020,708,744 and by striking out the figure, "65,469,109" and inserting in lieu thereof the figure 65,654,800 and by striking out the figure "631,615,976" and inserting in lieu thereof the figure 631,882,199.

Second: In Sec. 315, by striking out the figure "23,358,499" where it twice appears and inserting in lieu thereof the figure 23,315,960 and by striking out the figure "124,874" and inserting in lieu thereof the figure 82,335 and by striking out the figure "22,158,225" and inserting in lieu thereof the figure

22,132,396 and by striking out the figure “280,274” and inserting in lieu thereof the figure 263,564.

Third: In Sec. 316, by striking out the figure “45,246,198” where it twice appears and inserting in lieu thereof the figure 45,288,737 and by striking out the figure “911,886” and inserting in lieu thereof the figure 954,425 and by striking out the figure “15,139,874” and inserting in lieu thereof the figure 15,165,703 and by striking out the figure “14,103,177” and inserting in lieu thereof the figure 14,119,887.

Fourth: In Sec. B.318, by striking out the figure “60,434,035” where it twice appears and inserting in lieu thereof the figure 59,407,236 and by striking out the figure “56,415,061” and inserting in lieu thereof the figure 55,388,262, and by striking the figure “22,971,155” and inserting in lieu thereof the figure 23,015,587, and by striking out the figure “5,669,139” and inserting in lieu thereof the figure 5,871,053 by striking out the figure “2,823,000” and inserting in lieu thereof the figure 1,549,855.

Fifth: In Sec. B.333, by striking out the figure “141,628,742” where it twice appears and inserting in lieu thereof the figure 141,878,742 and by striking out the figure “141,080,797” and inserting in lieu thereof the figure 141,330,797.

Sixth: By striking out Sec. E.109 in its entirety.

Seventh: In Sec. E.309.2, by striking 33 V.S.A. § 1998(f)(2) in its entirety and inserting in lieu thereof a new (2) to read as follows:

(2) The board shall meet at least quarterly. The board shall comply with the requirements of subchapter 2 of chapter 5 of Title 1 (open meetings) and subchapter 3 of chapter 5 of Title 1 (open records), except that the board may go into executive session to discuss drug alternatives and receive information on the relative price, net of any rebates, of a drug under discussion and the drug price in comparison to the prices, net of any rebates, of alternative drugs available in the same class to determine cost-effectiveness, and in order to comply with subsection 2002(c) of this title to consider information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program.

Eighth: By striking out Sec. E.309.9 in its entirety and inserting in lieu thereof a new Sec. E.309.9 to read as follows:

Sec. E.309.9 VPHARM; THERAPEUTIC EQUIVALENCY PILOT PROGRAM

(a) No later than July 1, 2009, the office of Vermont health access shall implement a pilot program to maximize the use of generic drugs used to treat the conditions specified in subsection (b) of this section by individuals enrolled in a Medicare Part D prescription drug plan and VPharm.

(b) The VPharm therapeutic equivalency pilot program shall require the use of a generic drug in order to receive coverage of the Medicare Part D cost-sharing or of the prescription when the drug would be paid for entirely by VPharm. The designated pilot classes are lipotropics, which are statins most commonly used for the treatment of high cholesterol, and gastrointestinal proton pump inhibitors, which are most commonly used to reduce gastric acid. The drug utilization review (DUR) board shall determine the list of generic drugs that shall be available for coverage in each class and shall ensure that the list of generic drugs includes drugs available on the formularies of 90 percent of the Medicare Part D prescription drug plans available in Vermont. In designing the list, the DUR board shall maximize access to a variety of generic drugs for consumers.

(c) The office of Vermont health access shall notify prescribers and pharmacists about the pilot program and the requirement for the use of generics in the pilot classes described in subsection (b) of this section in order to receive coverage for those classes under VPharm.

(d) The office of Vermont health access, in collaboration with the DUR board, shall evaluate the pilot program and provide a report no later than January 15, 2010. The evaluation and report shall include an estimate of the savings from the increased use of generic drugs, negative impacts on consumer choice, and other positive or negative outcomes of the pilot program.

Ninth: In Sec. E.317, by striking out the words “42 U.S.C. section 862a” and inserting in lieu thereof the words “21 U.S.C. 862a” and by renumbering Sec. E.317 to be Sec. E.322.

Tenth: By striking out Sec. E.318 in its entirety.

Eleventh: In Secs. E.323 and E.323.2, by striking out the words “42 U.S.C. section 862a” each time it appears and inserting in lieu thereof the words “21 U.S.C. 862a”.

Twelfth: By striking out Sec. E.323.1 in its entirety.

Thirteenth: In Sec. B.235 by striking out the figure “11,307,398” where it twice appears and inserting in lieu thereof the figure 14,067,398 and by striking out the figure “5,770,007” and inserting in lieu thereof the figure 8,530,007, and by striking the figure “10,149,598” and inserting in lieu thereof the figure 12,909,598.

Fourteenth: By adding a new Sec. C. 101 to read as follows:

Sec. C. 101 Sec. 2.136 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.136. Public service - regulation and energy

Personal services	4,981,246	4,981,246
Operating expenses	690,524	690,524
Grants	<u>5,770,007</u>	<u>6,690,007</u>
Total	<u>11,441,777</u>	12,361,777
Source of funds		
Special funds	<u>10,248,977</u>	11,168,977
Federal funds	1,157,800	1,157,800
Interdepartmental transfer	<u>35,000</u>	<u>35,000</u>
Total	<u>11,441,777</u>	12,361,777

Fifteenth: By adding a new Sec.C. 102 to read as follows:

Sec. C. 102 Sec. 2.145 of No. 192 of the Acts of 2008 as amended by Sec. 13 of H.232 of 2009 is further amended to read:

Sec. 2.145. Total protection to persons and property

~~256,999,660~~ 260,165,579

Source of funds

General fund	90,404,831	93,104,352
Transportation fund	32,725,324	32,725,324
Special funds	66,951,903	67,844,640
Tobacco fund	619,645	696,306
Global Commitment fund	1,898,824	1,898,824
Federal funds	49,775,682	49,775,682
Enterprise funds	4,735,317	4,735,317
Interdepartmental transfer	9,888,134	<u>9,385,134</u>
Total	256,999,660	260,165,579

Which was agreed to to.

Pending third reading of the bill, **Reps. Rogers of Glover, Marcotte of Coventry, Higley of Lowell, Johnson of Canaan, Kilmartin of Newport City, Lewis of Derby, Peaslee of Guildhall, and Wheeler of Derby** moved to amend the bill as follows:

By adding a Sec. E.210 to read:

Sec. E.210. 20 V.S.A. § 1875(c) is added to read:

(c) For FY 2010, any agreement or understanding between the commissioner and a municipality, or any entity that provides services to a municipality, or state agency to provide services under this section shall remain unchanged, except as otherwise may be provided in the agreement until a statewide understanding is established.

Which was agreed to.

Pending third reading of the bill, **Reps. Fisher of Lincoln, Jewett of Ripton, Lanpher of Vergennes, Maier of Middlebury, Nuovo of Middlebury, Sharpe of Bristol, and Stevens of Shoreham** moved to amend the bill as follows:

By adding Sec. E.343 to read:

Sec. E.343. 3 V.S.A. § 4005(c) is added to read:

(c) Notwithstanding any other provision of law to the contrary, the closure of any agency of human services district office, with respect to a division of any department of the agency, or cessation of a direct service program operated in a district office, shall only be made by enactment by the general assembly or pursuant to section 704 of Title 32.

Pending the question, Shall the bill be amended as offered by Reps. Fisher of Lincoln, et al? **Rep. McDonald of Berlin** 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 amended as offered by Reps. Fisher of Lincoln, et al? was decided in the affirmative. Yeas, 80. Nays, 63.

Those who voted in the affirmative are:

Ancel of Calais	Browning of Arlington	Davis of Washington
Andrews of Rutland City	Burke of Brattleboro	Deen of Westminster
Aswad of Burlington	Cheney of Norwich	Donovan of Burlington
Atkins of Winooski	Clarkson of Woodstock	Edwards of Brattleboro
Bissonnette of Winooski	Copeland-Hanzas of	Emmons of Springfield
Bohi of Hartford	Bradford	Evans of Essex
Botzow of Pownal	Courcelle of Rutland City	Fisher of Lincoln

Frank of Underhill	Lippert of Hinesburg	Partridge of Windham
French of Shrewsbury	Lorber of Burlington	Peltz of Woodbury
French of Randolph	Macaig of Williston	Poirier of Barre City
Geier of South Burlington	Maier of Middlebury	Potter of Clarendon
Grad of Moretown	Malcolm of Pawlet	Pugh of South Burlington
Haas of Rochester	Marek of Newfane	Ram of Burlington
Head of South Burlington	Martin of Springfield	Shand of Weathersfield
Heath of Westford	Martin of Wolcott	Sharpe of Bristol
Howard of Rutland City	Masland of Thetford	Smith of Mendon
Howrigan of Fairfield	McCullough of Williston	South of St. Johnsbury
Jerman of Essex	Milkey of Brattleboro	Stevens of Waterbury
Jewett of Ripton	Miller of Shaftsbury	Stevens of Shoreham
Johnson of South Hero	Minter of Waterbury	Sweaney of Windsor
Keenan of St. Albans City	Mitchell of Barnard	Taylor of Barre City
Kitzmiller of Montpelier	Mook of Bennington	Townsend of Randolph
Klein of East Montpelier	Moran of Wardsboro	Weston of Burlington
Lanpher of Vergennes	Mrowicki of Putney	Wilson of Manchester
Larson of Burlington	Nease of Johnson	Wizowaty of Burlington
Lenes of Shelburne	Nuovo of Middlebury	Zenie of Colchester
Leriche of Hardwick	Obuchowski of Rockingham	Zuckerman of Burlington

Those who voted in the negative are:

Acinapura of Brandon	Gilbert of Fairfax	Morrissey of Bennington *
Adams of Hartland	Greshin of Warren	Myers of Essex
Ainsworth of Royalton	Helm of Castleton	O'Brien of Richmond
Baker of West Rutland	Higley of Lowell	Pearce of Richford
Branagan of Georgia	Hooper of Montpelier	Peaslee of Guildhall
Bray of New Haven	Hube of Londonderry	Perley of Enosburg
Brennan of Colchester	Hubert of Milton	Reis of St. Johnsbury
Canfield of Fair Haven	Johnson of Canaan	Rodgers of Glover
Clark of Vergennes	Kilmartin of Newport City	Savage of Swanton
Clerkin of Hartford	Koch of Barre Town	Scheuermann of Stowe
Condon of Colchester	Komline of Dorset	Till of Jericho
Conquest of Newbury	Krawczyk of Bennington	Toll of Danville
Consejo of Sheldon	Larocque of Barnet	Turner of Milton
Corcoran of Bennington	Lawrence of Lyndon	Waite-Simpson of Essex
Crawford of Burke	Lewis of Derby	Webb of Shelburne
Devereux of Mount Holly	Manwaring of Wilmington	Westman of Cambridge
Dickinson of St. Albans Town	Marcotte of Coventry	Wheeler of Derby
Donaghy of Poultney	McAllister of Highgate	Winters of Williamstown
Donahue of Northfield	McDonald of Berlin	Wright of Burlington
Fagan of Rutland City	McFaun of Barre Town *	Young of St. Albans City
Flory of Pittsford	McNeil of Rutland Town	
	Morley of Barton	

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

Audette of South Burlington	Orr of Charlotte	Spengler of Colchester
O'Donnell of Vernon	Smith of Morristown	Trombley of Grand Isle

Rep. McFaun of Barre Town explained his vote as follows:

“Mr. Speaker:

I agree with the underlying premise of the amendment but I feel there are going to be some drastic unintended consequences because of the way it is written.”

Rep. Morrissey of Bennington explained her vote as follows:

“Mr. Speaker:

I vote no on this amendment because due process never took place in the committee of jurisdiction.”

Pending third reading of the bill, **Rep. Larson of Burlington** moved to amend the bill as follows:

By striking Sec. E.309.10 in its entirety and inserting a new Sec. E.309.10 to read:

Sec. E.309.10 VPHARM CO-PAYMENTS

Prior to December 5, 2009, the joint fiscal committee may suspend the co-payments in VPharm and VermontRx established under sections E.309.6, E.309.7, and E.309.8 of this act pending further action of the general assembly:

(1) if the Centers for Medicare and Medicaid Services approve the office of Vermont health access’ request for an amendment to the Global Commitment for Health Section 1115 Medicaid waiver to include the VPharm program as part of that waiver; or

(2) if the VPharm program is included as a managed care organization (MCO) investment under the Global Commitment for Health.

Which was agreed to.

Pending third reading of the bill, **Rep. Sweaney of Windsor** moved to amend the bill as follows:

By adding a Sec. E.100.0.1 to read:

Sec. E.100.0.1. GOVERNOR’S PRODUCTIVITY TASKFORCE; JOINT LEGISLATIVE GOVERNMENT ACCOUNTABILITY COMMITTEE

The governor’s productivity taskforce, as recommended in the September 8, 2005 report of the Vermont institute on government effectiveness, shall collaborate with the joint legislative government accountability committee on achieving the goals of the strategic enterprise initiative. Specifically, the taskforce and the committee shall develop initiatives to increase efficiencies in, and promote innovation across, state government.

Which was agreed to.

Pending third reading of the bill, **Rep. Turner of Milton** moved to amend the bill as follows:

By adding three new sections to be Secs. E.600.1 through E.600.3 to read:

Sec. E.600.1 UNIVERSITY OF VERMONT; FISCAL TRANSPARENCY

(a) Audit. In addition to the annual audit required of the University of Vermont under 16 V.S.A. § 2281, the Vermont auditor of accounts shall:

(1) Perform an audit of the books and accounts of the university as they relate to state general fund and capital appropriations made to that institution for fiscal years 2007, 2008, and 2009; and

(2) File a report of the audit with the general assembly on or before January 15, 2010 that details the programs and other purposes for which the state appropriations were expended.

(b) Bonus payments. Of the funds appropriated to the University of Vermont in Sec. B.600 of this act, the state shall withhold \$900,000.00 until the university provides evidence satisfactory to the auditor of accounts and the state treasurer that:

(1) At least \$900,000.00 in bonus payments and other nonsalary compensation recently paid to nonunionized university employees, officers, and trustees has been repaid by those employees, officers, and trustee to the university; or

(2) No nonunionized university employee, officer, or trustee whose salary from the university exceeds \$150,000.00 in fiscal year 2009 will receive a salary increase, including a cost of living increase, in fiscal year 2010, and no bonus or other nonsalary compensation will be made in fiscal year 2010 that would raise such an employee's earnings to a level that exceeds the employee's fiscal year 2009 salary.

Sec. E.600.2 16 V.S.A. § 2281(b) is amended to read:

(b) The president of the University of Vermont and State Agricultural College shall, on or before October 1 in each even year, file with the auditor of accounts, and the state treasurer, the governor, and the house and senate committees on appropriations statements showing in detail the amount appropriated to the University of Vermont and State Agricultural College and expended for the current biennial fiscal periods and the amount estimated to be necessary for the current ensuing fiscal periods as required by law in the case of the head of every department of the state. The university's annual request for state general fund and capital appropriations presented to the governor and

the house and senate committees on appropriations shall include a detailed description of expenditures for which the appropriations will be spent, including personal services, operating expenses, university programs, scholarships, grants and loans, and other similar expenditures.

Sec. E.600.3 16 V.S.A. § 2285 is added to read:

§ 2285. PROGRAM ELIMINATION

No academic or athletic program of the University of Vermont and State Agricultural College shall be eliminated unless the decision is approved at a regular or special meeting of the board of trustees.

Theruepon, **Rep. Turner of Milton** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. Poirier of Barre City** moved to amend the bill as follows:

By adding Sec. E.100.1.1 to read:

Sec. E.100.1.1. 3 V.S.A. § 341(3) is amended to read:

(3) "Privatization contract" means a personal services contract by which an entity or an individual who is not a state employee agrees with an agency to provide services, valued at \$20,000.00 or more per year, which are the same or substantially similar to and in lieu of services previously provided, in whole or in part, by permanent, classified state employees, and which result in the a reduction in force of at least one permanent, classified employee, or the elimination of a vacant position of an employee covered by a collective bargaining agreement.

Pending the question, Shall the bill be amended as offered by Rep. Poirier of Barre City? **Rep. South of St. Johnsbury** 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 amended as offered by Rep. Poirier of Barre City? was decided in the affirmative. Yeas, 94. Nays, 50.

Those who voted in the affirmative are:

Ancel of Calais	Browning of Arlington	Davis of Washington
Andrews of Rutland City	Burke of Brattleboro	Deen of Westminster
Aswad of Burlington	Cheney of Norwich	Donovan of Burlington
Atkins of Winooski *	Clarkson of Woodstock	Edwards of Brattleboro
Bissonnette of Winooski	Conquest of Newbury	Emmons of Springfield
Bohi of Hartford	Consejo of Sheldon	Evans of Essex
Botzow of Pownal	Copeland-Hanzas of	Fisher of Lincoln
Branagan of Georgia	Bradford	Frank of Underhill
Bray of New Haven	Courcelle of Rutland City	French of Shrewsbury

French of Randolph	Malcolm of Pawlet	Potter of Clarendon
Gilbert of Fairfax	Marek of Newfane	Pugh of South Burlington
Grad of Moretown	Martin of Springfield	Ram of Burlington
Greshin of Warren	Martin of Wolcott	Shand of Weathersfield
Haas of Rochester	Masland of Thetford	Sharpe of Bristol
Head of South Burlington	McCullough of Williston	Smith of Mendon
Heath of Westford	McFaun of Barre Town	South of St. Johnsbury
Hoooper of Montpelier	Milkey of Brattleboro	Spengler of Colchester
Howard of Rutland City	Miller of Shaftsbury	Stevens of Waterbury
Howrigan of Fairfield	Minter of Waterbury	Stevens of Shoreham
Jerman of Essex	Mitchell of Barnard	Sweaney of Windsor
Jewett of Ripton	Mook of Bennington	Taylor of Barre City
Johnson of South Hero	Moran of Wardsboro	Till of Jericho
Keenan of St. Albans City	Mrowicki of Putney	Toll of Danville
Kitzmiller of Montpelier	Nease of Johnson	Waite-Simpson of Essex
Lanpher of Vergennes	Nuovo of Middlebury	Webb of Shelburne
Larson of Burlington	O'Brien of Richmond	Weston of Burlington
Lenes of Shelburne	Obuchowski of Rockingham	Wilson of Manchester
Lewis of Derby	Orr of Charlotte	Wizowaty of Burlington
Lippert of Hinesburg	Partridge of Windham	Young of St. Albans City
Lorber of Burlington	Pellett of Chester	Zenie of Colchester
Macaig of Williston	Peltz of Woodbury	Zuckerman of Burlington
Maier of Middlebury	Poirier of Barre City	

Those who voted in the negative are:

Acinapura of Brandon	Flory of Pittsford	McNeil of Rutland Town
Adams of Hartland	Geier of South Burlington	Morley of Barton
Ainsworth of Royalton	Helm of Castleton	Morrissey of Bennington *
Baker of West Rutland	Higley of Lowell	Myers of Essex
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	Perley of Enosburg
Clerkin of Hartford	Kilmartin of Newport City	Reis of St. Johnsbury
Condon of Colchester	Koch of Barre Town	Rodgers of Glover
Corcoran of Bennington	Komline of Dorset	Savage of Swanton
Crawford of Burke	Krawczyk of Bennington	Scheuermann of Stowe
Devereux of Mount Holly	Larocque of Barnet	Townsend of Randolph
Dickinson of St. Albans Town	Lawrence of Lyndon	Turner of Milton
Donaghy of Poultney	Manwaring of Wilmington	Westman of Cambridge
Donahue of Northfield	Marcotte of Coventry	Wheeler of Derby
Fagan of Rutland City	McAllister of Highgate	Winters of Williamstown
	McDonald of Berlin	Wright of Burlington

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

Audette of South Burlington	O'Donnell of Vernon	Trombley of Grand Isle
Klein of East Montpelier	Smith of Morristown	

Rep. Morrissey of Bennington explained her vote as follows

“Mr. Speaker:

I rise in opposition to this amendment, an amendment that I do support in concept. However, once again this body has chosen to go around due process.”

Rep. Atkins of Winooski explained his vote as follows

“Mr. Speaker:

I vote yes on this bill to protect jobs of State workers.

However, I do so with reservations because this topic is the purview of Government operations and I do not like to write laws on the House floor.

Pending third reading of the bill, **Rep . Peltz of Woodbury, Ram of Burlington and Zuckerman of Burlington** moved to amend the bill as follows:

By striking Sec. E.1103 in its entirety and inserting in lieu thereof a new Sec. E.1103 to read:

Sec. E.1103. COST REDUCTION AUTHORIZATION

(a) The secretary of administration shall reduce fiscal year 2010 appropriations in the executive branch of state government by \$14,000,000 in general funds. The reduction may include:

(1) The reduction of deputy commissioner and deputy secretary positions in the executive branch of state government;

(2) The elimination of the following positions: executive assistant for the agency of transportation (position number 867013); principal assistant for the agency of agriculture, food, and markets (position number 287006); principal assistant for the agency of commerce and community development (position number 677023); executive assistant for the agency of natural resources (position number 637017);

(3) The reduction of classified confidential positions.

(b) The secretary of administration shall not have the authority to reduce appropriations pursuant to subsection (a) of this section unless the secretary has submitted the reduction plan to the house and senate committees on appropriations by May 1, 2009 and that plan is enacted by the general assembly.

Pending the question, Shall the bill be amended as offered by Reps. Peltz of Woodbury et al? **Rep. McDonald of Berlin** 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 amended as offered by Reps. Peltz of Woodbury et al? was decided in the affirmative. Yeas, 84. Nays, 60.

Those who voted in the affirmative are:

Ancel of Calais	Heath of Westford	Mrowicki of Putney
Aswad of Burlington	Hooper of Montpelier	Nease of Johnson
Bissonnette of Winooski	Howard of Rutland City	Nuovo of Middlebury
Bohi of Hartford	Howrigan of Fairfield	Obuchowski of Rockingham
Botzow of Pownal	Jewett of Ripton	Orr of Charlotte
Bray of New Haven	Johnson of South Hero	Partridge of Windham
Browning of Arlington	Keenan of St. Albans City	Pellett of Chester
Burke of Brattleboro	Kitzmiller of Montpelier	Peltz of Woodbury
Clarkson of Woodstock	Lanpher of Vergennes	Poirier of Barre City
Conquest of Newbury	Larson of Burlington	Potter of Clarendon
Consejo of Sheldon	Lenes of Shelburne	Pugh of South Burlington
Copeland-Hanzas of Bradford	Leriche of Hardwick	Ram of Burlington
Courcelle of Rutland City	Lippert of Hinesburg	Rodgers of Glover
Devis of Washington	Lorber of Burlington	Shand of Weathersfield
Deen of Westminster	Macaig of Williston	Sharpe of Bristol
Donovan of Burlington	Maier of Middlebury	Smith of Mendon
Edwards of Brattleboro	Malcolm of Pawlet	South of St. Johnsbury
Emmons of Springfield	Manwaring of Wilmington	Spengler of Colchester
Evans of Essex	Marek of Newfane	Stevens of Waterbury
Fisher of Lincoln	Martin of Springfield	Taylor of Barre City
Frank of Underhill	Martin of Wolcott	Till of Jericho
French of Shrewsbury	Masland of Thetford	Toll of Danville
French of Randolph	McCullough of Williston	Webb of Shelburne
Geier of South Burlington	Milkey of Brattleboro	Weston of Burlington
Gilbert of Fairfax	Miller of Shaftsbury	Wizowaty of Burlington
Grad of Moretown	Minter of Waterbury	Young of St. Albans City
Haas of Rochester	Mitchell of Barnard	Zuckerman of Burlington
Head of South Burlington	Mook of Bennington	
	Moran of Wardsboro	

Those who voted in the negative are:

Acinapura of Brandon	Dickinson of St. Albans Town	Lawrence of Lyndon
Adams of Hartland	Donaghy of Poultney	Lewis of Derby
Ainsworth of Royalton	Donahue of Northfield	Marcotte of Coventry
Andrews of Rutland City	Fagan of Rutland City	McAllister of Highgate
Atkins of Winooski	Flory of Pittsford	McDonald of Berlin
Baker of West Rutland	Greshin of Warren	McFaun of Barre Town *
Branagan of Georgia	Helm of Castleton	McNeil of Rutland Town
Brennan of Colchester	Higley of Lowell	Morley of Barton
Canfield of Fair Haven	Hube of Londonderry	Morrissey of Bennington *
Cheney of Norwich	Hubert of Milton	Myers of Essex
Clark of Vergennes	Johnson of Canaan	O'Brien of Richmond
Clerkin of Hartford	Kilmartin of Newport City	Pearce of Richford
Condon of Colchester	Koch of Barre Town	Peaslee of Guildhall
Corcoran of Bennington	Komline of Dorset	Perley of Enosburg
Crawford of Burke	Krawczyk of Bennington *	Reis of St. Johnsbury
Devereux of Mount Holly	Larocque of Barnet	Savage of Swanton
		Scheuermann of Stowe

Stevens of Shoreham	Waite-Simpson of Essex	Winters of Williamstown
Sweaney of Windsor	Westman of Cambridge	Wright of Burlington
Townsend of Randolph	Wheeler of Derby	Zenie of Colchester
Turner of Milton	Wilson of Manchester	

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

Audette of South Burlington	Klein of East Montpelier	Trombley of Grand Isle
Jerman of Essex	O'Donnell of Vernon	

Rep. Krawczyk of Bennington explained his vote as follows:

“Mr. Speaker:

I voted no on this amendment. It appears that it is an attempt to reduce the budget gap we have in our FY 10 budget. I am reminded of a bill we voted on a few weeks ago asking the legislature to reduce our legislative salaries to save our taxpayers money and the bill was rejected. There appears to be a double standard in this chamber.”

Rep. Morrissey of Bennington explained her vote as follows:

“Mr. Speaker:

This amendment that we are now voting on could certainly have been a part of the appropriations bill as it came to this floor to be presented, for the vote on this amendment by the committee was seven to four. The citizens and the taxpayers of the state of Vermont deserve better than this body playing politics on this most important issue that will certainly affect their lives now and long into the future.”

Rep. McFaun of Barre Town explained his vote as follows:

“Mr. Speaker:

I vote no on this amendment because it circumvents the committee process and uses the legislative process to send a message to the administrative branch that if implemented could have the unintended consequences of destroying an individuals working career – this is politics at its worse!”

Thereupon the bill was read a third time.

Pending the question, Shall the bill pass? **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 pass? was decided in the affirmative. Yeas, 94. Nays, 52.

Those who voted in the affirmative are:

Ancel of Calais	Aswad of Burlington	Audette of South Burlington
Andrews of Rutland City	Atkins of Winooski	Bissonnette of Winooski

Bohi of Hartford *	Howard of Rutland City	Nease of Johnson
Botzow of Pownal	Howrigan of Fairfield	Nuovo of Middlebury
Bray of New Haven	Jerman of Essex	O'Brien of Richmond
Browning of Arlington	Jewett of Ripton	Obuchowski of Rockingham
Burke of Brattleboro	Johnson of South Hero	Orr of Charlotte
Cheney of Norwich	Keenan of St. Albans City	Partridge of Windham
Clarkson of Woodstock	Kitzmiller of Montpelier *	Pellett of Chester
Condon of Colchester	Klein of East Montpelier	Peltz of Woodbury
Conquest of Newbury	Lanpher of Vergennes *	Poirier of Barre City
Consejo of Sheldon	Larson of Burlington	Potter of Clarendon
Copeland-Hanzas of Bradford	Lenes of Shelburne	Pugh of South Burlington
Courcelle of Rutland City	Leriche of Hardwick	Ram of Burlington
Davis of Washington	Lippert of Hinesburg	Shand of Weathersfield
Deen of Westminster	Lorber of Burlington	Sharpe of Bristol
Donovan of Burlington	Macaig of Williston	South of St. Johnsbury
Edwards of Brattleboro	Maier of Middlebury	Spengler of Colchester
Emmons of Springfield	Malcolm of Pawlet	Stevens of Waterbury
Evans of Essex	Manwaring of Wilmington *	Sweaney of Windsor
Fisher of Lincoln	Marek of Newfane	Taylor of Barre City
Frank of Underhill	Martin of Springfield	Till of Jericho
French of Shrewsbury	Martin of Wolcott	Toll of Danville
French of Randolph	Masland of Thetford	Townsend of Randolph
Geier of South Burlington	McCullough of Williston	Waite-Simpson of Essex
Gilbert of Fairfax	Milkey of Brattleboro	Webb of Shelburne
Grad of Moretown	Miller of Shaftsbury	Weston of Burlington *
Haas of Rochester	Minter of Waterbury *	Wizowaty of Burlington
Head of South Burlington	Mitchell of Barnard	Young of St. Albans City
Heath of Westford	Mook of Bennington	Zenie of Colchester
Hooper of Montpelier	Moran of Wardsboro	Zuckerman of Burlington
	Mrowicki of Putney *	

Those who voted in the negative are:

Acinapura of Brandon	Greshin of Warren	Morrissey of Bennington
Adams of Hartland *	Helm of Castleton	Myers of Essex
Ainsworth of Royalton	Higley of Lowell	Pearce of Richford
Baker of West Rutland	Hube of Londonderry	Peaslee of Guildhall
Branagan of Georgia	Hubert of Milton	Perley of Enosburg
Brennan of Colchester	Johnson of Canaan	Reis of St. Johnsbury
Canfield of Fair Haven	Kilmartin of Newport City	Rodgers of Glover
Clark of Vergennes	Koch of Barre Town	Savage of Swanton
Clerkin of Hartford	Komline of Dorset	Scheuermann of Stowe
Corcoran of Bennington	Krawczyk of Bennington	Smith of Mendon
Crawford of Burke	Lawrence of Lyndon	Stevens of Shoreham
Devereux of Mount Holly	Lewis of Derby	Turner of Milton
Dickinson of St. Albans Town	Marcotte of Coventry	Westman of Cambridge
Donaghy of Poultney	McAllister of Highgate	Wheeler of Derby
Donahue of Northfield *	McDonald of Berlin	Wilson of Manchester
Fagan of Rutland City	McFaun of Barre Town	Winters of Williamstown
Flory of Pittsford	McNeil of Rutland Town	Wright of Burlington *
	Morley of Barton	

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

Larocque of Barnet

O'Donnell of Vernon

Trombley of Grand Isle

Rep. Adams of Hartland explained his vote as follows:

“Mr. Speaker:

A better day to have voted on this bill would have been April Fools Day – then we could have rightly referred to it as Budgetary Follies Day.”

Rep. Bohi of Hartford explained his vote as follows:

“Mr. Speaker:

Education fund to cover general fund expenditures is a failure to finally begin dealing with our infrastructure’s deterioration and is cutting VPharm.

This budget meets those needs. That is why I support it.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

I have never voted for an appropriations bill that either quietly or loudly, did not have identified revenues to support it. This bill shouts it out, and if for no other reason, I cannot support it.”

Rep. Kitzmiller of Montpelier explained his vote as follows:

“Mr. Speaker:

No budget ever reflects any member’s idea of perfection.

Knowing, however, the annual difficulty faced by the hard-working folks on the appropriation committee, I again vote “yes” as I have every year that I’ve been here, regardless of which caucus controlled the process.”

Rep. Lanpher of Vergennes explained her vote as follows:

“Mr. Speaker:

We have heard this budget described as foolhardy, as a disaster waiting to happen. It is not.

This budget is a straight forward effort to address the illusion of fiscal management we received from the Governor in January.

I commend the efforts of the appropriations committee for their diligence and honesty.”

Rep. Manwaring of Wilmington explained her vote as follows:

“Mr. Speaker:

Even though I am uncomfortable with increasing revenues yet to be identified, it is far preferable to me than the increases in the property tax in the budget presented to us.”

Rep. Minter of Waterbury explained her vote as follows:

“Mr. Speaker:

I am proud to support this budget that restores domestic cuts to programs for seniors, people with disabilities, prescription drugs for seniors, health care to the underinsured, affordable housing and conservation and many other critical programs that Vermonters depend upon. This budget makes strategic program cuts, wisely employs federal stimulus dollars, and avoids the \$63 million cost shift to property taxpayers. This is the approach Vermonters need to weather the economic storm we are in.”

Rep. Mrowicki of Putney explained his vote as follows:

“Mr. Speaker:

Last year the administration budget proposal included \$50 million from the leasing of the lottery. This year’s budget proposal included shifting \$60 million onto property taxes. This response from the appropriations committee is a reality based budget which fills the holes left by the administration.”

Rep. Weston of Burlington explained her vote as follows:

“Mr. Speaker:

I vote yes because in these difficult economic times this budget presents a more realistic and responsible approach to weathering the storm than the budget presented by the Governor.”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

This budget fails Vermonters. It raises taxes in a recession, is not sustainable and fails to make the tough decisions that were necessary.”

Message from the Senate No. 30

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 passed Senate bills of the following titles:

S. 121. An act relating to miscellaneous election laws.

S. 127. An act relating to small school districts that pay tuition for their resident students.

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

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 17. Joint resolution accepting a Federal Emergency Grant designated as JFO #2371 to repair damage resulting from the December 2008 ice storm.

And has adopted the same in concurrence.

Recess

At one o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until two o'clock and fifteen minutes in the afternoon.

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

Bill Amended, Read Third Time and Passed

S. 115

Senate bill, entitled

An act relating to civil marriage

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

By striking all after the enacting clause and inserting in lieu thereof:

Sec. 1. BARRIERS TO EQUALITY IN FEDERAL LAW

The General Assembly notes that current Federal law contains legal barriers to allowing rights and benefits for civil union couples which would be equal to rights and benefits for married couples, and therefore, the General Assembly by this act requests Congress to enact legislation which would remove barriers to equal rights and benefits for civil union couples.

Sec. 2. TRANSMISSION OF ACT TO THE PRESIDENT

AND TO CONGRESS

The Clerk of the House and the Secretary of the Senate are directed, immediately after enactment of this legislation, jointly to send a copy of this act to President Obama, Senators Leahy and Sanders, and Congressman Welch.

Which was disagreed to to.

Pending third reading of the bill, **Rep. Kilmartin of Newport City** moved to amend the House proposal of amendment as follows:

By striking Sec. 11 and inserting a new Sec. 11 to read:

Sec. 11. 15 V.S.A. § 8a is added to read:

§ 8a. IMMUNITY FOR EXERCISE OF CONSTITUTIONAL RIGHTS

(a) In accordance with the Vermont Constitution, Chapter 1, Articles 3 and 20, and Chapter 2, Sections 68 and 71, freedom of thought and belief, freedom of the expression and communication of one's thoughts and beliefs, freedom of religion and religious practice, expression, and the communication of those religious expressions and practices, freedom of association and the freedom to refuse to associate, and the right of parents and guardians of minor children to raise their children according to the dictates of their conscience, are the civil rights of every person within Vermont's borders, and those freedoms shall not be abridged or violated on any pretense whatsoever.

(b) Any person, business, member of the clergy, religious organization, society, or other entity with a sincerely held belief or practice regarding the definitions and meaning of male, female, "gender equality," "gender neutrality," family, marriage, husband, wife, "natural parents", parent or parents, son, daughter, mother, father, brother, sister, grandmother, grandfather, aunt, or uncle shall be immune from civil or criminal liability and shall suffer no loss of public privileges, benefits, or rights arising from his, her or its refusal to endorse, accommodate publicly or privately, participate in, conduct, facilitate, or otherwise assist any marriage ceremony, marriage event, or marriage-related reception or celebration that conflicts with those sincerely held beliefs, or arising from parents or guardians of children raising and instructing their children as they deem appropriate in regard to the foregoing definitions and practices, or arising from parents or guardians or their legal designees withholding their minor children from public or private instruction or activities, including public school instruction or activities, which conflict with their sincerely held beliefs and practices regarding the foregoing definitions.

(c) In the event of conflict between this section and chapter 139 of Title 9, entitled "Discrimination; Public Accommodations; Rental and Sale of Real Estate," this section shall control.

Pending the question, Shall the House proposal of amendment be amended as offered by Rep. Kilmartin of Newport City? **Rep. Kilmartin of Newport City** 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 House proposal of amendment be amended as offered by Rep. Kilmartin of Newport City? was decided in the negative. Yeas, 43. Nays, 103.

Those who voted in the affirmative are:

Acinapura of Brandon	Higley of Lowell	McNeil of Rutland Town
Adams of Hartland	Howrigan of Fairfield	Morley of Barton
Ainsworth of Royalton	Hube of Londonderry	Myers of Essex
Baker of West Rutland	Hubert of Milton	Pearce of Richford
Branagan of Georgia	Johnson of Canaan	Peaslee of Guildhall
Brennan of Colchester	Kilmartin of Newport City	Perley of Enosburg
Canfield of Fair Haven	Koch of Barre Town	Reis of St. Johnsbury
Clark of Vergennes	Komline of Dorset	Savage of Swanton
Clerkin of Hartford	Krawczyk of Bennington	Scheuermann of Stowe
Devereux of Mount Holly	Larocque of Barnet	Turner of Milton
Donaghy of Poultney	Lawrence of Lyndon	Westman of Cambridge
Donahue of Northfield	Lewis of Derby	Winters of Williamstown
Fagan of Rutland City	Marcotte of Coventry	Wright of Burlington
Flory of Pittsford	McAllister of Highgate	
Helm of Castleton	McDonald of Berlin	

Those who voted in the negative are:

Ancel of Calais	Evans of Essex	Malcolm of Pawlet
Andrews of Rutland City	Fisher of Lincoln	Manwaring of Wilmington
Aswad of Burlington	Frank of Underhill	Marek of Newfane
Atkins of Winooski	French of Shrewsbury	Martin of Springfield
Audette of South Burlington	French of Randolph	Martin of Wolcott
Bissonnette of Winooski	Geier of South Burlington	Masland of Thetford
Bohi of Hartford	Gilbert of Fairfax	McCullough of Williston
Botzow of Pownal	Grad of Moretown	McFaun of Barre Town
Bray of New Haven	Greshin of Warren	Milkey of Brattleboro
Browning of Arlington	Haas of Rochester	Miller of Shaftsbury
Burke of Brattleboro	Head of South Burlington	Minter of Waterbury
Cheney of Norwich	Heath of Westford	Mitchell of Barnard
Clarkson of Woodstock	Hooper of Montpelier	Mook of Bennington
Condon of Colchester	Howard of Rutland City	Moran of Wardsboro
Conquest of Newbury	Jerman of Essex	Morrissey of Bennington
Consejo of Sheldon	Jewett of Ripton	Mrowicki of Putney
Copeland-Hanzas of Bradford	Johnson of South Hero	Nease of Johnson
Corcoran of Bennington	Keenan of St. Albans City	Nuovo of Middlebury
Courcelle of Rutland City	Kitzmiller of Montpelier	O'Brien of Richmond
Crawford of Burke	Klein of East Montpelier	Obuchowski of Rockingham
Davis of Washington	Lanpher of Vergennes	Orr of Charlotte
Deen of Westminster	Larson of Burlington	Partridge of Windham
Dickinson of St. Albans Town	Lenes of Shelburne	Pellett of Chester
Donovan of Burlington	Leriche of Hardwick	Poirier of Barre City
Edwards of Brattleboro	Lippert of Hinesburg	Potter of Clarendon
Emmons of Springfield	Lorber of Burlington	Pugh of South Burlington
	Macaig of Williston	Ram of Burlington
	Maier of Middlebury	Rodgers of Glover

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

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

O'Donnell of Vernon	Smith of Morristown	Trombley of Grand Isle
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Thereupon, the bill was read a third time.

Pending the question, Shall the bill pass? **Rep. Jerman of Essex** 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 pass? was decided in the affirmative. Yeas, 94. Nays, 52.

Those who voted in the affirmative are:

Ancel of Calais	Howard of Rutland City	Nease of Johnson
Andrews of Rutland City	Hube of Londonderry	Nuovo of Middlebury
Aswad of Burlington	Jerman of Essex	O'Brien of Richmond
Bohi of Hartford	Jewett of Ripton	Obuchowski of Rockingham
Botzow of Pownal	Johnson of South Hero	Orr of Charlotte
Bray of New Haven	Keenan of St. Albans City	Partridge of Windham
Burke of Brattleboro	Kitzmiller of Montpelier	Pellett of Chester *
Cheney of Norwich *	Klein of East Montpelier	Peltz of Woodbury *
Clarkson of Woodstock	Komline of Dorset	Poirier of Barre City
Condon of Colchester	Lanpher of Vergennes	Pugh of South Burlington
Conquest of Newbury	Larson of Burlington	Ram of Burlington
Copeland-Hanzas of Bradford	Lenes of Shelburne	Rodgers of Glover
Courcelle of Rutland City *	Leriche of Hardwick	Scheuermann of Stowe
Devis of Washington	Lippert of Hinesburg	Shand of Weathersfield
Deen of Westminster	Lorber of Burlington	Sharpe of Bristol
Donahue of Northfield	Macaig of Williston	Smith of Mendon
Donovan of Burlington	Maier of Middlebury	Spengler of Colchester
Edwards of Brattleboro	Malcolm of Pawlet	Stevens of Waterbury
Emmons of Springfield	Manwaring of Wilmington	Stevens of Shoreham
Fisher of Lincoln	Marek of Newfane	Sweaney of Windsor
Frank of Underhill	Martin of Springfield	Taylor of Barre City
French of Shrewsbury	Martin of Wolcott	Till of Jericho
French of Randolph	Masland of Thetford	Toll of Danville
Gilbert of Fairfax	McCullough of Williston	Townsend of Randolph
Grad of Moretown	Milkey of Brattleboro	Waite-Simpson of Essex
Greshin of Warren	Miller of Shaftsbury	Webb of Shelburne
Haas of Rochester	Minter of Waterbury	Westman of Cambridge
Head of South Burlington	Mitchell of Barnard	Weston of Burlington
Heath of Westford	Mook of Bennington	Wilson of Manchester
Hooper of Montpelier	Moran of Wardsboro	Wizowaty of Burlington
	Mrowicki of Putney	Wright of Burlington

Zenie of Colchester

Zuckerman of Burlington

Those who voted in the negative are:

Acinapura of Brandon
Adams of Hartland
Ainsworth of Royalton
Atkins of Winooski
Audette of South Burlington
Baker of West Rutland
Bissonnette of Winooski
Branagan of Georgia
Brennan of Colchester
Browning of Arlington
Canfield of Fair Haven
Clark of Vergennes
Clerkin of Hartford
Consejo of Sheldon
Corcoran of Bennington
Crawford of Burke
Devereux of Mount Holly

Dickinson of St. Albans
Town
Donaghy of Poultney
Evans of Essex
Fagan of Rutland City
Flory of Pittsford
Helm of Castleton
Higley of Lowell
Howrigan of Fairfield
Hubert of Milton
Johnson of Canaan
Kilmartin of Newport City
Koch of Barre Town
Krawczyk of Bennington
Larocque of Barnet
Lawrence of Lyndon
Lewis of Derby
Marcotte of Coventry

McAllister of Highgate
McDonald of Berlin
McFaun of Barre Town
McNeil of Rutland Town
Morley of Barton
Morrissey of Bennington
Myers of Essex
Pearce of Richford
Peaslee of Guildhall
Perley of Enosburg
Potter of Clarendon
Reis of St. Johnsbury
Savage of Swanton
South of St. Johnsbury
Turner of Milton
Wheeler of Derby
Winters of Williamstown
Young of St. Albans City

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

Geier of South Burlington

O'Donnell of Vernon

Trombley of Grand Isle

Rep. Courcelle of Rutland City explained her vote as follows:

“Mr. Speaker:

Traditions continually change. Separate is not equal. Let us celebrate and accept our differences.”

Rep. Cheney of Norwich explained her vote as follows:

“Mr. Speaker:

I may be the most recently married member of this assembly. I want all members of this House to have the same right to marry the person they love.”

Rep. Peltz of Woodbury explained his vote as follows:

“Mr. Speaker:

I voted yes. I dedicate my vote to family members and friends who have passed on and missed the benefits of this bill.”

Rep. Pellett of Chester explained her vote as follows:

“Mr. Speaker:

Today I proudly cast my vote for those back home, Jane and Jean, Ron

and James, my colleagues here, Bill, Steve, Jason, Suzie, and my former colleague Robert – and for my predecessor Bill. I cast my vote for all Vermonters to be treated equally, with respect and dignity in every part of life. Life is short – we only get one chance. Happiness should elude no one.”

Adjournment

At four o'clock and twenty-five minutes in the afternoon, on motion of **Rep. Komline of Dorset**, the House adjourned until Monday, April 6, 2009 at one o'clock in the afternoon.

*[Official corrected, and updated on web, full text of S. 115
for Journal of April 2, 2009]*

Proposal of Amendment Agreed to; Third Reading Ordered

S. 115

Rep. Lippert of Hinesburg, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to civil marriage

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

Sec. 1. SHORT TITLE

This act may be referred to and cited as “An Act to Protect Religious Freedom and Promote Equality in Civil Marriage.”

Sec. 2. PURPOSE

The purpose of this act is to promote legal equality in the civil marriage laws and to protect the religious freedom of clergy and religious societies authorized to solemnize civil marriages.

Sec. 3. 15 V.S.A. § 1a is added to read:

§ 1a. PERSON FORBIDDEN TO MARRY A RELATIVE

No person shall marry his or her parent, grandparent, child, grandchild, sibling, sibling’s child, or parent’s sibling.

Sec. 4. 15 V.S.A. § 4 is amended to read:

§ 4. MARRIAGE CONTRACTED WHILE ONE IN FORCE

Marriages contracted while either party ~~has a living spouse or a living party to a civil union~~ is legally married or joined in civil union to a living person other than the party to that marriage shall be void.

Sec. 5. 15 V.S.A. § 8 is amended to read:

§ 8. MARRIAGE DEFINITION

Marriage is the legally recognized union of ~~one man and one woman~~ two people. When used in this chapter or in any other statute, the word “marriage” shall mean a civil marriage. Terms relating to the marital relationship or familial relationships shall be construed consistently with this section for all purposes throughout the law, whether in the context of statute, administrative or court rule, policy, common law, or any other source of civil law.

Sec. 6. 15 V.S.A. § 1202(2) is amended to read:

(2) Be of the same sex ~~and therefore excluded from the marriage laws of this state~~.

Sec. 7. 18 V.S.A. § 5131(a) is amended to read:

(a)(1) Upon application in a form prescribed by the department, a town clerk shall issue to a person a civil marriage license in the form prescribed by the department and shall enter thereon the names of the parties to the proposed marriage, fill out the form as far as practicable and retain in the clerk’s office a copy thereof.

(2) The department shall prescribe forms that allow each party to a marriage to be designated “bride,” “groom,” or “spouse,” as he or she chooses, and the application shall be in substantially the following form:

VERMONT DEPARTMENT OF HEALTH

APPLICATION FOR VERMONT LICENSE OF CIVIL MARRIAGE

FEE FOR CIVIL MARRIAGE LICENSE: \$45.00, FEE FOR CERTIFIED COPY \$10.00

BRIDE/GROOM/SPOUSE (circle one)

NAME	(First)	(Middle)	(Last)
SEX	DATE OF BIRTH (e.g., July 1, 2009)		AGE

BIRTHPLACE		EDUCATION (Circle No. Yrs. Completed)		
		GRADES 1-8	GRADES 9-12	COLLEGE (1-5+)
RESIDENCE (No. and Street)				
CITY OR TOWN		COUNTY	STATE	
RACE – White, Black, Native American, Indian, Chinese, Japanese, Hawaiian, Filipino (Specify)				
FATHER'S NAME (First, Middle, Last)				
FATHER'S BIRTHPLACE (State or Foreign Country)		MOTHER'S BIRTHPLACE (State or Foreign Country)		
MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)				
NO. OF THIS MARRIAGE (1st, 2nd, etc.)	NO. OF CIVIL UNIONS	IF PREVIOUSLY IN MARRIAGE OR CIVIL UNION, LAST RELATIONSHIP WAS 1. MARRIAGE 2. CIVIL UNION		
Date last marriage or civil union ended _____ Month _____ Year				
LAST RELATIONSHIP ENDED BY: 1. <input type="checkbox"/> DEATH 2. <input type="checkbox"/> DISSOLUTION 3. <input type="checkbox"/> ANNULMENT 4. <input type="checkbox"/> PREVIOUS CIVIL UNION DID NOT END. MARRYING CIVIL UNION PARTNER				
Does either party have a legal guardian _____ Yes _____ No				

BRIDE/GROOM/SPOUSE (circle one)

NAME	(First)	(Middle)	(Last)
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SEX	DATE OF BIRTH (e.g., July 1, 2009)	AGE		
BIRTHPLACE		EDUCATION (Circle No. Yrs. Completed)		
		GRADES 1-8	GRADES 9-12	COLLEGE (1-5+)
RESIDENCE (No. and Street)				
CITY OR TOWN		COUNTY	STATE	
RACE – White, Black, Native American, Indian, Chinese, Japanese, Hawaiian, Filipino (Specify)				
FATHER'S NAME (First, Middle, Last)				
FATHER'S BIRTHPLACE (State or Foreign Country)		MOTHER'S BIRTHPLACE (State or Foreign Country)		
MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)				
NO. OF THIS MARRIAGE (1st, 2nd, etc.)	NO. OF CIVIL UNIONS	IF PREVIOUSLY IN MARRIAGE OR CIVIL UNION, LAST RELATIONSHIP WAS 1. MARRIAGE 2. CIVIL UNION		
Date last marriage or civil union ended _____Month _____Year				
LAST RELATIONSHIP ENDED BY: 1. <input type="checkbox"/> DEATH 2. <input type="checkbox"/> DISSOLUTION 3. <input type="checkbox"/> ANNULMENT 4. <input type="checkbox"/> PREVIOUS CIVIL UNION DID NOT END. MARRYING CIVIL UNION PARTNER				
Does either party have a legal guardian _____ Yes _____No				
APPLICANTS				
We hereby certify that the information provided is correct to the best of our knowledge and belief and that we are free to marry under the laws of Vermont.				
SIGNATURE _____		SIGNATURE _____		
Date signed: _____		Date signed: _____		

Planned marriage date _____ Location (City or town) _____ Officiant Name & Address _____ Your mailing address after wedding _____ Do you want a certified copy of your Marriage Certificate? (\$10.00) _____ Yes _____ No

Date License issued _____ Clerk issuing License _____

This worksheet may be destroyed after marriage is registered.

(3) At least one party to the proposed marriage shall sign the certifying application to the accuracy of the facts so stated. The license shall be issued by the clerk of the town where either ~~the bride or groom party~~ resides or, if neither is a resident of the state, by any town clerk in the state.

Sec. 8. 18 V.S.A. § 5142 is amended to read:

§ 5142. RESTRICTIONS AS TO MINORS AND INCOMPETENT PERSONS

A clerk shall not issue a marriage license when either party to the intended marriage is:

(1) A person who has not attained his majority without the consent in writing of one of the parents if there is one competent to act; or the guardian of such minor;

(2) Nor with such consent when either party is under ~~sixteen~~ 16 years of age ~~unless furnished with a certificate of a probate, district or superior judge, of the district or county in which one of the applicants resides, if either applicant is a resident of the state, otherwise of the district or county in which the marriage is sought to be consummated, that the public good requires such license to be issued;~~

(3) Nor when either of the parties to the intended marriage is non compos mentis;

(4) Nor to a person under guardianship without the written consent of such guardian;

~~(5) Nor in any case when either party is under fourteen years of age.~~

Sec. 9. 18 V.S.A. § 5144 is amended to read:

§ 5144. PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGE

(a) Marriages may be solemnized by a supreme court justice, a superior court judge, a district judge, a judge of probate, an assistant judge, a justice of the peace, an individual who has registered as an officiant with the Vermont secretary of state pursuant to section 5144a of this title, a member of the clergy residing in this state and ordained or licensed, or otherwise regularly authorized thereunto by the published laws or discipline of the general conference, convention, or other authority of his or her faith or denomination, or by such a clergy person residing in an adjoining state or country, whose parish, church, temple, mosque, or other religious organization lies wholly or in part in this state, or by a member of the clergy residing in some other state of the United States or in the Dominion of Canada, provided he or she has first secured from the probate court of the district within which the marriage is to be solemnized a special authorization, authorizing him or her to certify the marriage if such probate judge determines that the circumstances make the special authorization desirable. Marriage among the Friends or Quakers, the Christadelphian Ecclesia, and the Baha'i Faith may be solemnized in the manner heretofore used in such societies.

(b) This section does not require a member of the clergy authorized to solemnize a marriage as set forth in subsection (a) of this section, nor societies of Friends or Quakers, the Christadelphian Ecclesia, or the Baha'i Faith to solemnize any marriage, and any refusal to do so shall not create any civil claim or cause of action.

Sec. 10. 8 V.S.A. § 4501 is amended to read:

§ 4501. EXEMPTIONS

(a) Except as herein provided, societies shall be governed by this chapter and shall be exempt from all other provisions of the insurance laws of this state, not only in governmental relations with the state, but for every other purpose. No law hereafter enacted shall apply to them, unless they be expressly designated therein.

(b) The civil marriage laws shall not be construed to affect the ability of a society to determine the admission of its members as provided in section 4464 of this title, or to determine the scope of beneficiaries in accordance with section 4477 of this title, and shall not require a society that has been established and is operating for charitable and educational purposes and which is operated, supervised, or controlled by or in connection with a religious organization to provide insurance benefits to any person if to do so would violate the society's free exercise of religion, as guaranteed by the First Amendment to the Constitution of United States or by Chapter I, Article 3 of the Constitution of the State of Vermont.

Sec. 11. 9 V.S.A. § 4502 is amended to read:

§ 4502. PUBLIC ACCOMMODATIONS

* * *

(1) Notwithstanding any other provision of law, a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, shall not be required to provide services, accommodations, advantages, facilities, goods, or privileges to an individual if the request for such services, accommodations, advantages, facilities, goods, or privileges is related to the solemnization of a marriage or celebration of a marriage. Any refusal to provide services, accommodations, advantages, facilities, goods, or privileges in accordance with this subsection shall not create any civil claim or cause of action. This subsection shall not be construed to limit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization from selectively providing services, accommodations, advantages, facilities, goods, or privileges to some individuals with respect to the solemnization or celebration of a marriage but not to others.

Sec. 12. REPEAL

(a) The following sections in Title 15 are repealed:

- (1) § 1 (man forbidden to marry relatives);
- (2) § 2 (woman forbidden to marry relatives);
- (3) § 5 (marriage entered into in another state);
- (4) § 6 (marriage void in state of residence);
- (5) § 1201(4) (definition of marriage).

(b) The following sections in Title 18 are repealed:

- (1) § 5160 (issuance of civil union license; certification; return of civil union certificate);
- (2) § 5161 (issuance of license);
- (3) § 5162 (proof of legal qualifications of parties to a civil union; penalty);
- (4) § 5163 (restrictions as to minors and incompetent persons);
- (5) § 5164 (persons authorized to certify civil unions);
- (6) § 5164a (temporary officiant for civil unions);

(7) § 5165 (civil union license required for certification; failure to return).

Sec. 13. EFFECTIVE DATE

This act shall take effect September 1, 2009.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary? **Rep. Donahue of Northfield** moved to amend the recommendation of proposal of amendment offered by the committee on Judiciary, as follows:

First: In Sec. 1, by striking the word “Promote” and inserting in lieu thereof “Recognize”

Second: By striking Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. PURPOSE

The purpose of this act is to recognize the right to equality under the laws of civil marriage and to ensure that clergy and religious societies are recognized as having marriage rites or rituals that are distinct from civil marriage and that are protected by the right to freedom of religion.

Third: By striking Sec. 9 in its entirety and inserting in lieu thereof the following:

Sec. 9. 18 V.S.A. § 5144 is amended to read:

§ 5144. PERSONS AUTHORIZED TO SOLEMNIZE CIVIL MARRIAGE

~~Marriages~~ Civil marriages may be solemnized by a supreme court justice, a superior court judge, a district judge, a judge of probate, an assistant judge, a justice of the peace, or an individual who has registered as an officiant with the Vermont secretary of state pursuant to section 5144a of this title, ~~a member of the clergy residing in this state and ordained or licensed, or otherwise regularly authorized thereunto by the published laws or discipline of the general conference, convention, or other authority of his or her faith or denomination, or by such a clergy person residing in an adjoining state or country, whose parish, church, temple, mosque, or other religious organization lies wholly or in part in this state, or by a member of the clergy residing in some other state of the United States or in the Dominion of Canada, provided he or she has first secured from the probate court of the district within which the marriage is to be solemnized a special authorization, authorizing him or her to certify the marriage if such probate judge determines that the circumstances make the~~

~~special authorization desirable. Marriage among the Friends or Quakers, the Christadelphian Ecclesia, and the Baha'i Faith may be solemnized in the manner heretofore used in such societies.~~

Fourth: By adding a Sec. 9a to read as follows:

Sec. 9a. 18 V.S.A. § 5147 is amended to read;

§ 5147. SOLEMNIZATION BY UNAUTHORIZED PERSON; PENALTY;
VALIDITY OF CIVIL MARRIAGE

* * *

(b) A civil marriage solemnized before a person professing to be a justice ~~or a minister of the gospel~~ shall not be void nor the validity thereof affected for want of jurisdiction or authority in such supposed justice ~~or minister~~, providing that the civil marriage is in other respects lawful and is consummated with a belief on the part of the persons so married, or either of them, that they were lawfully joined in civil marriage.

Fifth: By adding a Sec. 12a to read as follows:

Sec. 12a. STATUTORY REVISIONS

The staff of the legislative council, in its statutory revision capacity, is authorized and directed to make such amendments to the Vermont Statutes Annotated as are necessary to effect the purpose of this act, including, where applicable, substituting the words "civil marriage" for the word "marriage." Such changes shall be made when new legislation is proposed, or there is a republication of a volume of the Vermont Statutes Annotated.

Thereupon, **Rep. Donahue of Northfield** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary? **Rep. Donahue of Northfield** moved to amend the recommendation of proposal of amendment as follows:

First: In Sec. 1, by striking the word "Promote" and inserting in lieu thereof "Recognize"

Second: In Sec. 2, by striking the word "promote" and inserting in lieu thereof "recognize"

Third: By adding a Sec. 12a to read as follows:

Sec. 12a. STATUTORY REVISIONS

The staff of the legislative council, in its statutory revision capacity, is authorized and directed to make such amendments to the Vermont Statutes

Annotated as are necessary to effect the purpose of this act, including, where applicable, substituting the words “civil marriage” for the word “marriage.” Such changes shall be made when new legislation is proposed, or there is a republication of a volume of the Vermont Statutes Annotated.

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary? **Reps. Helm of Castleton, Clark of Vergennes, O’Donnell of Vernon, Acinapura of Brandon, Baker of West Rutland, Branagan of Georgia, Crawford of Burke, Donaghy of Poultney, Fagan of Rutland City, Higley of Lowell, Johnson of Canaan, Komline of Dorset, Larocque of Barnet, Lewis of Derby, McAllister of Highgate, McDonald of Berlin, Morley of Barton, and Savage of Swanton,** moved to amend the recommendation of proposal of amendment offered by the committee on Judiciary, as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. ADVISORY REFERENDUM

There shall be submitted to the voters of the state of Vermont on a ballot prepared by the secretary of state on March 2, 2010, the question:

Shall the General Assembly amend the laws of the state to allow couples of the same sex to marry?

Pending the question, Shall the amend the recommendation of proposal of amendment offered by the committee on Judiciary as recommended by **Reps. Helm of Castleton, et al?** **Rep. Helm of Castleton** 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 House amend the recommendation of proposal of amendment offered by the committee on Judiciary as recommended by **Reps. Helm of Castleton, et al?** was decided in the negative. Yeas, 52. Nays, 96.

Those who voted in the affirmative are:

Acinapura of Brandon	Clark of Vergennes	Helm of Castleton
Adams of Hartland	Clerkin of Hartford	Higley of Lowell
Ainsworth of Royalton	Consejo of Sheldon	Howrigan of Fairfield
Andrews of Rutland City	Crawford of Burke	Hube of Londonderry
Audette of South Burlington	Devereux of Mount Holly	Hubert of Milton
Baker of West Rutland	Dickinson of St. Albans	Johnson of Canaan
Bissonnette of Winooski	Town	Kilmartin of Newport City
Branagan of Georgia	Donaghy of Poultney	Koch of Barre Town
Brennan of Colchester	Fagan of Rutland City	Komline of Dorset
Canfield of Fair Haven	Flory of Pittsford	Krawczyk of Bennington

Larocque of Barnet	Morley of Barton	Savage of Swanton
Lawrence of Lyndon	Morrissey of Bennington	Scheuermann of Stowe
Lewis of Derby	Myers of Essex	Stevens of Shoreham
Marcotte of Coventry	O'Donnell of Vernon	Turner of Milton
McAllister of Highgate	Pearce of Richford	Wheeler of Derby
McDonald of Berlin	Peaslee of Guildhall	Winters of Williamstown
McFaun of Barre Town	Perley of Enosburg	Wright of Burlington
McNeil of Rutland Town	Reis of St. Johnsbury	

Those who voted in the negative are:

Ancel of Calais	Heath of Westford	O'Brien of Richmond
Aswad of Burlington	Hooper of Montpelier	Obuchowski of Rockingham
Atkins of Winooski	Howard of Rutland City	Orr of Charlotte
Bohi of Hartford	Jerman of Essex	Partridge of Windham
Botzow of Pownal	Jewett of Ripton	Pellett of Chester
Bray of New Haven	Johnson of South Hero	Peltz of Woodbury
Browning of Arlington *	Keenan of St. Albans City	Poirier of Barre City
Burke of Brattleboro	Kitzmiller of Montpelier	Potter of Clarendon
Cheney of Norwich	Klein of East Montpelier	Pugh of South Burlington
Clarkson of Woodstock	Lanpher of Vergennes	Ram of Burlington
Condon of Colchester	Larson of Burlington	Rodgers of Glover
Conquest of Newbury	Lenes of Shelburne	Shand of Weathersfield
Copeland-Hanzas of Bradford	Leriche of Hardwick	Sharpe of Bristol
Corcoran of Bennington	Lippert of Hinesburg	Smith of Mendon
Courcelle of Rutland City	Lorber of Burlington	South of St. Johnsbury
Davis of Washington	Macaig of Williston	Spengler of Colchester
Deen of Westminster	Maier of Middlebury	Stevens of Waterbury
Donahue of Northfield	Malcolm of Pawlet	Sweaney of Windsor
Donovan of Burlington	Manwaring of Wilmington	Taylor of Barre City
Edwards of Brattleboro	Marek of Newfane	Till of Jericho
Emmons of Springfield	Martin of Springfield	Toll of Danville *
Evans of Essex	Martin of Wolcott	Townsend of Randolph
Fisher of Lincoln	Masland of Thetford	Trombley of Grand Isle
Frank of Underhill	McCullough of Williston	Waite-Simpson of Essex
French of Shrewsbury	Milkey of Brattleboro	Webb of Shelburne
French of Randolph	Miller of Shaftsbury	Weston of Burlington
Geier of South Burlington	Minter of Waterbury	Wilson of Manchester
Gilbert of Fairfax	Mitchell of Barnard	Wizowaty of Burlington
Grad of Moretown	Mook of Bennington	Young of St. Albans City
Greshin of Warren	Moran of Wardsboro	Zenie of Colchester
Haas of Rochester	Mrowicki of Putney	Zuckerman of Burlington
Head of South Burlington	Nease of Johnson	
	Nuovo of Middlebury	

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

Westman of Cambridge

Rep. Toll of Danville explained her vote as follows:

“Mr. Speaker:

I voted no on this amendment because I believe the residents in my district do have the opportunity to be heard on this and any other issue that may come before this body.

I respond personally to emails, phone calls, messages left at the Sergeant at Arms office, mailed letters and personal conversations. In a state the size of Vermont, Representatives, Senators and yes, even our Governor, are all easily accessible.

The opinions of those who live in Cabot, Danville and Peacham are the greatest importance to me, not the opinions of those who live outside of our state's borders..”

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

I voted against the amendment to put the Same-Sex marriage question to a public referendum despite the fact that I expect to vote against the underlying legislation.

There is already an excellent and effective public referendum that occurs every two years on election day.

We do not need to delay our proceedings to enter into all the potential pitfalls of using public referendum questions to guide our decision.”

Recess

At six o'clock and fifteen minutes in the evening, the Speaker declared a recess until seven o'clock and fifteen minutes in the evening.

At seven o'clock and thirty minutes in the evening, the Speaker called the House to order.

Consideration Resumed; Proposal of Amendment Agreed to; Third Reading Ordered

S. 115

Consideration resumed on Senate bill, entitled

An act relating to civil marriage;

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary? **Reps. Adams of Hartland, O'Donnell of Vernon, Clark of Vergennes and Ainsworth of Royalton**, moved to amend the recommendation of proposal of amendment offered by the committee on Judiciary, as follows:

By striking all after the enacting clause and inserting in lieu thereof:

Sec. 1. BARRIERS TO EQUALITY IN FEDERAL LAW

The General Assembly notes that current Federal law contains legal barriers to allowing rights and benefits for civil union couples which would be equal to rights and benefits for married couples, and therefore, the General Assembly by this act requests Congress to enact legislation which would remove barriers to equal rights and benefits for civil union couples.

Sec. 2. TRANSMISSION OF ACT TO THE PRESIDENT
AND TO CONGRESS

The Clerk of the House and the Secretary of the Senate are directed, immediately after enactment of this legislation, jointly to send a copy of this act to President Obama, Senators Leahy and Sanders, and Congressman Welch.

Thereupon, **Rep. Nease of Johnson** moved to substitute an amendment for that offered by Reps. Adams of Hartford, et al, as follows:

By adding two new sections to read as follows:

Sec. 12b. BARRIERS TO EQUALITY IN FEDERAL LAW

The general assembly notes that current federal law contains legal barriers to allowing rights and benefits for married same-sex couples and civil union couples which would be equal to rights and benefits for married opposite-sex couples, and therefore, the general assembly by this act requests Congress to enact legislation which would remove barriers to equal rights and benefits for married same-sex couples and civil union couples.

Sec. 12c. TRANSMISSION OF ACT TO THE PRESIDENT
AND TO CONGRESS

The clerk of the house and the secretary of the senate are directed, immediately after enactment of this legislation, jointly to send a copy of this act to President Obama, Senators Leahy and Sanders, and Congressman Welch.

Thereupon, **Rep. Nease of Johnson** asked and was granted leave of the House to withdraw his amendment.

Thereupon, **Rep. Adams of Hartland** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the recommendation of proposal of amendment offered by the committee on Judiciary, as amended, was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Lippert of Hinesburg** 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, 52.

Those who voted in the affirmative are:

Ancel of Calais	Howard of Rutland City	Nuovo of Middlebury
Andrews of Rutland City	Hube of Londonderry	O'Brien of Richmond
Aswad of Burlington	Jerman of Essex	Obuchowski of Rockingham
Bohi of Hartford	Jewett of Ripton	Orr of Charlotte
Botzow of Pownal	Johnson of South Hero	Partridge of Windham
Bray of New Haven	Keenan of St. Albans City	Pellett of Chester
Burke of Brattleboro	Kitzmiller of Montpelier	Peltz of Woodbury
Cheney of Norwich	Klein of East Montpelier	Poirier of Barre City
Clarkson of Woodstock *	Komline of Dorset	Pugh of South Burlington
Condon of Colchester	Lanpher of Vergennes	Ram of Burlington *
Conquest of Newbury	Larson of Burlington	Rodgers of Glover
Copeland-Hanzas of Bradford	Lenes of Shelburne	Scheuermann of Stowe
Courcelle of Rutland City	Leriche of Hardwick	Shand of Weathersfield
Davis of Washington	Lippert of Hinesburg	Sharpe of Bristol
Deen of Westminster	Lorber of Burlington	Smith of Mendon
Donahue of Northfield	Macaig of Williston	Spengler of Colchester
Donovan of Burlington	Maier of Middlebury	Stevens of Waterbury
Edwards of Brattleboro	Malcolm of Pawlet	Stevens of Shoreham
Emmons of Springfield	Manwaring of Wilmington	Sweaney of Windsor
Fisher of Lincoln	Marek of Newfane	Taylor of Barre City
Frank of Underhill	Martin of Springfield	Till of Jericho
French of Shrewsbury	Martin of Wolcott	Toll of Danville
French of Randolph	Masland of Thetford	Townsend of Randolph
Geier of South Burlington	McCullough of Williston	Trombley of Grand Isle
Gilbert of Fairfax *	Milkey of Brattleboro	Waite-Simpson of Essex
Grad of Moretown *	Miller of Shaftsbury	Webb of Shelburne
Grashin of Warren	Minter of Waterbury	Weston of Manchester
Haas of Rochester	Mitchell of Barnard	Wilson of Manchester
Head of South Burlington	Mook of Bennington	Wizowaty of Burlington
Heath of Westford	Moran of Wardsboro	Wright of Burlington
Hooper of Montpelier	Mrowicki of Putney	Zenie of Colchester
	Nease of Johnson	Zuckerman of Burlington *

Those who voted in the negative are:

Acinapura of Brandon	Canfield of Fair Haven	Evans of Essex
Adams of Hartland	Clark of Vergennes	Fagan of Rutland City
Ainsworth of Royalton	Clerkin of Hartford	Flory of Pittsford
Atkins of Winooski	Consejo of Sheldon	Helm of Castleton
Audette of So. Burlington *	Corcoran of Bennington	Higley of Lowell
Baker of West Rutland	Crawford of Burke	Howrigan of Fairfield
Bissonnette of Winooski	Devereux of Mount Holly	Hubert of Milton
Branagan of Georgia	Dickinson of St. Albans	Johnson of Canaan
Brennan of Colchester	Town	Kilmartin of Newport City *
Browning of Arlington	Donaghy of Poultney	Koch of Barre Town *

Krawczyk of Bennington	McNeil of Rutland Town	Reis of St. Johnsbury
Larocque of Barnet	Morley of Barton	Savage of Swanton
Lawrence of Lyndon	Morrissey of Bennington	South of St. Johnsbury
Lewis of Derby	Myers of Essex	Turner of Milton *
Marcotte of Coventry	Pearce of Richford	Wheeler of Derby *
McAllister of Highgate	Peaslee of Guildhall	Winters of Williamstown
McDonald of Berlin	Perley of Enosburg	Young of St. Albans City
McFaun of Barre Town	Potter of Clarendon	

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

O'Donnell of Vernon Westman of Cambridge

Rep. Gilbert of Fairfax explained his vote as follows:

“Mr. Speaker:

Simply because I, as an individual believe that marriage is a sacrament and chose to be married within a church, does not mean that everyone must have the same beliefs. Others may choose a civil marriage ceremony, a civil union, a different church, or nothing at all. These alternatives have absolutely no affect on my marriage, my faith, or my individual commitment to my wife and family. They cost me nothing. The choice to marry is a public declaration of a personal choice made by a couple that loves and is committed to care for each other. As a person, I cannot deny the rights to others that I claim for myself. As a legislator, I must uphold the Vermont and U.S. Constitutions and my Oath of Office. I support this bill .”

Rep. Grad of Moretown explained her vote as follows:

“Mr. Speaker:

I vote yes for S. 115. As a member of your House Judiciary committee my goal is to promote justice for all Vermonters so they may attain equal access rights, benefits and privileges under the law.

Through testimony on this bill I learned that civil unions does not do this but creates a separate status for same sex couples and their children who are often discriminated against, stigmatized and marginalized.

Studies show that there is no credible scientific evidence that parenting effectiveness is related to parental sexual orientation, but instead is related to parenting styles.

In voting for this bill I vote for Vermont same-sex families and their children with the hope to begin to repair the wounds of discrimination they suffer and give all Vermont children a more tolerant world in which to grow.”

Rep. Audette of South Burlington explained his vote as follows:

“Mr. Speaker:

I voted no but I respect people for who they are and not their sexual orientation.”

Rep. Clarkson of Woodstock explained her vote as follows:

“Mr. Speaker:

I vote yes in support of a bill that furthers the cause of equality in Vermont and because anything that promotes love and commitment is wonderful and further promotes the common good.”

Rep. Kilmartin of Newport City explained his vote as follows:

“Mr. Speaker:

Marriage in all cultures throughout recorded history has been between a man and a woman and for good and indisputable reasons. There is a male father and female mother who carry the child to term. To give the title to same-sex couples does nothing but introduce confusion and chaos into the very nature of marriage and the family. The way the bill is structured, it denies individuals and mothers and fathers the exercise and practice their sincerely held beliefs and denies them their Constitutional rights to raise their own children according to the dictates of their conscience. The bill cleverly sets up clergymen and religious institutions as those entitled to freedom of conscience while intentionally denying the individual citizens their constitutionally guaranteed rights.”

Rep. Koch of Barre Town explained his vote as follows:

“Mr. Speaker:

Due to the necessity of attending the wake of a close friend back home, the member from Vernon has asked me to note for the record that she would have voted no on this question.”

Rep. Ram of Burlington explained her vote as follows

“Mr. Speaker:

To say that Civil Unions offered the same rights as marriage is nothing less than saying once upon a time there are two drinking fountains that both dispense the same water. I vote yes to lift this final weight of off the shoulders of your otherwise free society.”

Rep. Turner of Milton explained his vote as follows

“Mr. Speaker:

Voting “no” tonight on this bill was a very difficult decision for me. Several of my family members and close friends are gay and I fully support their rights under the Civil Union laws of our state. I believe in and have performed many Civil Unions in the past. However, I just could not come to terms with redefining the term marriage. I fully respect the proponents position of this legislation and can understand and will respect my position on this issue. Thank you.”

Rep. Wheeler of Derby explained his vote as follows

“Mr. Speaker:

I found myself wishing when I came into this debate I had strong opinions one way or another, but I didn’t.

When I was a newspaper reporter covering the Civil Union debates it was far easier for me to know how I would vote on that issue, but probably only because I didn’t have to actually vote. In voting “no” I know that I have disappointed some people including, some dear friends. My vote came after much talking and listening to people on both sides of the issue. In voting “no”, which a huge percentage of my constituents asked me to do, I hope my gay and lesbian friends and colleagues don’t feel that I threw them under the bus, but on the other hand, I won’t blame them if they do. As a history writer I wonder if I voted on the right or wrong side of history – only time will tell. Will I look back on my vote with disappointment? Only time will tell. I apologize for those who I have disappointed, and I thank everybody for keeping this process civil.”

Rep. Zuckerman of Burlington explains his vote as follows

“Mr. Speaker:

Nine years ago twenty-two members of this body voted for full equality. Today ninety-five members did. In and of itself, that is a huge victory. A huge majority has spoken.”

* *End of Correction on S. 115*