

Journal of the House

Wednesday, April 15, 2009

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

Devotional Exercises

Devotional exercises were conducted by Rev. Connie Moser of Ascutney Union Church.

Senate Bill Referred

S. 136

Senate bill, entitled

An act relating to reducing the drop-out rate in Vermont secondary schools to zero by the year 2020;

Was taken up, read the first time and referred to the committee on Rules.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Calendar, carrying appropriations, under the rule, were referred to the committee on Appropriations:

H. 231

House bill, entitled

An act relating to the creation of the Farm-to-Plate Corporation

H. 450

House bill, entitled

An act relating to the state fiscal year 2009 transportation program

Joint Resolution Referred to Committee

J.R.S. 26

Whereas, industrial hemp refers to the nondrug oilseed and fiber varieties of *Cannabis* which have less than three-tenths of one percent (0.3%) tetrahydrocannabinol (THC) and which are cultivated exclusively for fiber, stalk, and seed, and

Whereas, industrial hemp is genetically distinct from drug varieties of *Cannabis* (also known as marijuana), and the flowering tops of industrial hemp cannot produce any drug effect when smoked or ingested, and

Whereas, Congress never intended to prohibit the production of industrial hemp when restricting the production, possession and use of marijuana, and

Whereas, the legislative history of the Marijuana Tax Act of 1937 (50 Stat. 551), the statutory source for the federal definition of marijuana, shows that industrial hemp farmers and manufacturers of industrial hemp products were assured by the Federal Bureau of Narcotics commissioner, that the proposed legislation bore no threat to hemp-related activities, and

Whereas, the United States Court of Appeals for the Ninth Circuit ruled in Hemp Industries v. Drug Enforcement Administration, 357 F.3d 1012 (9th Cir. 2004), that the federal Controlled Substances Act of 1970 (21 U.S.C. Sec. 812(b)) explicitly excludes nonpsychoactive industrial hemp from the definition of marijuana, and the federal government declined to appeal that decision, and

Whereas, the Controlled Substances Act of 1970 specifies the findings to which the government must attest in order to classify a substance as a Schedule I drug, and those findings include that the substance has a high potential for abuse, has no accepted medical use, and has a lack of accepted safety for use, none of which applies to industrial hemp, and

Whereas, Article 28, § 2 of the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, states that, “This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes,” and

Whereas, industrial hemp is commercially produced in more than 30 countries, including Australia, Canada, China, Great Britain, France, Germany and Romania, without undue restriction or complications, and

Whereas, American companies are forced to import million of dollars’ worth of hemp seed and fiber products, denying American farmers the opportunity to compete for and share in profits for cultivating hemp, and

Whereas, nutritious hemp foods can be found in grocery stores nationwide, and strong durable hemp fibers can be found in the interior parts of millions of American cars, and

Whereas, buildings are being constructed of a hemp and lime mixture that sequesters carbon, and

Whereas, retail sales of hemp products in this country are estimated to be \$365 million annually, and

Whereas, industrial hemp is a high-value low-input crop that is not genetically modified, requires little or no pesticides, can be dry-land farmed, and uses less fertilizer than wheat or corn, and

Whereas, the reluctance of the United States Drug Enforcement Administration to permit industrial hemp farming is denying agricultural producers in this country the ability to benefit from a high-value low-input crop, which can provide significant economic benefits to producers and manufacturers, and

Whereas, the United States Drug Enforcement Administration has the authority under the Controlled Substances Act to allow this state to regulate industrial hemp farming under existing laws and without requiring individual federal applications and licenses, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to:

- 1) Recognize industrial hemp as a valuable agricultural commodity;
- 2) Define industrial hemp in federal law as a nonpsychoactive and genetically identifiable species of the genus *Cannabis*;
- 3) Acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic sources of industrial hemp; and
- 4) Assist United States producers by removing barriers to state regulation of the commercial production of industrial hemp, *and be it further*

Resolved: That the United States Drug Enforcement Administration allow the states to regulate industrial hemp farming without federal applications, licenses or fees, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Administrator of the United States Drug Enforcement Administration, United States Secretary of Agriculture Tom Vilsack, and the Vermont Congressional delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Agriculture.

Joint Resolution Adopted in Concurrence**J.R.S. 29*****Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 17, 2009, it be to meet again no later than Tuesday, April 21, 2009.

Was taken up read and adopted in concurrence.

House Resolution Adopted**H.R. 14**

House resolution, entitled

House resolution designating April 29, 2009 as Walk @ Lunch Day

Offered by: Representatives Frank of Underhill, Till of Jericho, Larson of Burlington, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Cheney of Norwich, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Deen of Westminster, Donovan of Burlington, French of Shrewsbury, Greshin of Warren, Kitzmiller of Montpelier, Lanpher of Vergennes, Leriche of Hardwick, Maier of Middlebury, Manwaring of Wilmington, Martin of Wolcott, Miller of Shaftsbury, Minter of Waterbury, Mitchell of Barnard, Moran of Wardsboro, Nuovo of Middlebury, Orr of Charlotte, Pellett of Chester, Peltz of Woodbury, Pugh of South Burlington, Shand of Weathersfield, Sharpe of Bristol, Stevens of Waterbury, Stevens of Shoreham and Webb of Shelburne

Whereas, getting 30 minutes of moderate physical activity, such as a brisk walk, at least five times a week can result in significant health benefits such as lowering the risk of developing or dying from cardiovascular disease, hypertension, or type 2 diabetes and improving the health of muscles, bones, and joints, and

Whereas, the U.S. Department of Health and Human Services estimates the cost to treat illness and chronic disease caused by inactive lifestyles is nearly \$1,000.00 for every family in America, every year, and

Whereas, physical activity is vital to the well-being of all Americans, and National Walk @ Lunch Day is an opportunity for Americans to carve time out of their busy work schedules to exercise and become healthier, and

Whereas, National Walk @ Lunch Day is a workplace walking program that encourages employees to walk during their lunch break, making exercise a convenient and easy choice during the day, and

Whereas, many states will participate in National Walk @ Lunch Day, improving the health of those residents on a step-by-step basis, now therefore be it

Resolved by the House of Representatives:

That this legislative body designates April 29, 2009 as National Walk @ Lunch Day and encourages Vermonters to walk at lunch, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the American Heart Association in Williston and to Blue Cross and Blue Shield of Vermont in Berlin.

Which was read and adopted.

Bill Amended, Read Third Time and Passed

H. 147

House bill, entitled

An act relating to the operation of a motor vehicle by junior operators and primary safety belt enforcement

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

By striking Secs. 4 and 5 in their entirety and inserting in lieu thereof new Secs. 4 and 5 to read:

Sec. 4. 23 V.S.A. § 1095a is added to read:

§ 1095a. USE OF WIRELESS TELEPHONES AND HANDHELD

ELECTRONIC DEVICES

(a)(1) For the purposes of this section, “wireless telephone” shall mean a telephone that is:

(A) capable of sending or receiving telephone communications without being physically connected to a telephone wire or cord; and

(B) used pursuant to a subscription with a commercial entity that provides wireless telephone service.

(2) “Wireless telephone” shall not be construed to include:

(A) a two-way radio that is operated by using a push-to-talk feature and does not require proximity to the ear of the user; or

(B) a communication feature of a voice-activated global positioning or navigation system that is affixed within the passenger compartment of a motor vehicle.

(b) For the purposes of this section, “hands-free use” shall refer to the use of a mobile telephone or electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of the mobile telephone or electronic communication device, by which a user engages in a conversation without the use of either hand; provided, however, this definition shall not preclude the use of either hand to activate, deactivate, or initiate a function of the telephone or device.

(c) Subject to the exceptions set forth in subsection (b) of this section, for the purposes of this section, the term “use,” when referring to the utilization of a wireless telephone or handheld electronic device, shall include telephone calls, texting, and all other functions.

(d) A person under 18 years of age shall not use any wireless telephone or handheld electronic device while operating a motor vehicle on the traveled portion of the highway. This prohibition shall not apply if it is necessary to place an emergency 911 call.

(e) A person 18 years of age or older shall not use a wireless telephone or electronic communication device while operating a motor vehicle on the traveled portion of a highway. This prohibition shall not apply to:

(1) hands-free use;

(2) placement of an emergency 911 call; or

(3) use by the following persons for the purpose of and during the course of performing their official duties:

(A) law enforcement officers;

(B) firefighters;

(C) operators of authorized emergency vehicles as defined in section 4 of this title; and

(D) state or municipal employees and their contractors who are actively engaged in road maintenance activities.

Sec. 5. WIRELESS TELEPHONE AND HANDHELD ELECTRONIC DEVICE REPORT

By July 1, 2011, the Vermont League of Cities and Towns, the Vermont State Firefighters Association, and the Vermont department of public safety,

after consulting with their constituents and other appropriate entities whether or not under their direct control, shall submit to the house committee on judiciary a report regarding their constituents' progress toward utilization of hands-free communications technology in the course of motor vehicle operation.

Which was agreed to.

Pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill by striking Sec. 5 in its entirety and inserting in lieu thereof the following:

Sec. 5. 23 V.S.A. § 1091 is amended to read:

§ 1091. NEGLIGENT OPERATION; GROSSLY NEGLIGENT OPERATION

(a) Negligent operation.

(1) A person who operates a motor vehicle on a public highway in a negligent manner shall be guilty of negligent operation.

(2) The standard for a conviction for negligent operation in violation of this subsection shall be ordinary negligence, examining whether the person breached a duty to exercise ordinary care.

(A) Evidence of the use of a wireless telephone or other electronic communication device immediately prior to a motor vehicle collision shall create a rebuttable presumption of negligent operation under this subsection, unless it is a hands-free wireless telephone or hands-free electronic communication device or unless the device was being used to place an emergency 911 call.

(B) As used in this section, "hands-free" means a mobile telephone or electronic communication device that has an internal feature or function or that is equipped with an attachment or addition, whether or not permanently part of the mobile telephone or electronic communication device, by which a user engages in a conversation without the use of either hand.

(3) A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. If the person has been previously convicted of a violation of this subsection, the person shall be imprisoned not more than two years or fined not more than \$3,000.00, or both.

(b) Grossly negligent operation.

(1) A person who operates a motor vehicle on a public highway in a grossly negligent manner shall be guilty of grossly negligent operation.

(2) The standard for a conviction for grossly negligent operation in violation of this subsection shall be gross negligence, examining whether the person engaged in conduct which involved a gross deviation from the care that a reasonable person would have exercised in that situation. Evidence of the use of a wireless telephone or other electronic communication device immediately prior to a motor vehicle collision that results in any personal injury or in property damage in excess of \$5,000.00 shall create a rebuttable presumption of grossly negligent operation under this subsection, unless it is a hands-free wireless telephone or hands-free electronic communication device or unless the device was being used to place an emergency 911 call.

(3) A person who violates this subsection shall be imprisoned not more than two years or fined not more than \$5,000.00, or both. If the person has previously been convicted of a violation of this section, the person shall be imprisoned not more than four years or fined not more than \$10,000.00, or both. If serious bodily injury as defined in section 1021 of Title 13 or death of any person other than the operator results, the person shall be imprisoned for not more than 15 years or fined not more than \$15,000.00, or both. If serious bodily injury or death results to more than one person other than the operator, the operator may be convicted of a separate violation of this subdivision for each decedent or person injured.

(c) The provisions of this section do not limit or restrict the prosecution for manslaughter.

(d) A person convicted of violating subsection (b) of this section shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

Which was disagreed to.

Pending the question, Shall the bill pass? **Rep. Davis of Washington** 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, 104. Nays, 40.

Those who voted in the affirmative are:

Acinapura of Brandon	Audette of South Burlington	Browning of Arlington
Adams of Hartland	Bissonnette of Winooski	Burke of Brattleboro
Ancel of Calais	Botzow of Pownal	Clarkson of Woodstock
Andrews of Rutland City	Branagan of Georgia	Clerkin of Hartford
Aswad of Burlington	Bray of New Haven	Conquest of Newbury

Consejo of Sheldon	Kitzmiller of Montpelier	Nuovo of Middlebury
Copeland-Hanzas of Bradford	Klein of East Montpelier	O'Brien of Richmond
Courcelle of Rutland City	Koch of Barre Town	Obuchowski of Rockingham
Deen of Westminster	Krawczyk of Bennington	Orr of Charlotte
Devereux of Mount Holly	Lanpher of Vergennes	Partridge of Windham
Dickinson of St. Albans Town	Larson of Burlington	Pearce of Richford
Donaghy of Poultney	Lawrence of Lyndon	Pellett of Chester
Edwards of Brattleboro	Lenes of Shelburne	Poirier of Barre City
Emmons of Springfield	Leriche of Hardwick	Potter of Clarendon
Evans of Essex	Lippert of Hinesburg	Pugh of South Burlington
Fisher of Lincoln	Lorber of Burlington	Ram of Burlington
Flory of Pittsford	Macaig of Williston	Reis of St. Johnsbury
Frank of Underhill	Maier of Middlebury	Savage of Swanton
French of Shrewsbury	Malcolm of Pawlet *	Shand of Weathersfield
French of Randolph	Manwaring of Wilmington	Smith of Mendon
Geier of South Burlington	Marek of Newfane	South of St. Johnsbury
Gilbert of Fairfax	Martin of Springfield	Spengler of Colchester
Grad of Moretown	Martin of Wolcott	Stevens of Waterbury
Greshin of Warren	Masland of Thetford	Sweaney of Windsor
Haas of Rochester	McCullough of Williston	Till of Jericho
Head of South Burlington	McDonald of Berlin	Toll of Danville
Heath of Westford	Milkey of Brattleboro	Townsend of Randolph
Hooper of Montpelier	Miller of Shaftsbury	Turner of Milton
Howard of Rutland City	Minter of Waterbury	Waite-Simpson of Essex
Howrigan of Fairfield	Mitchell of Barnard	Webb of Shelburne
Jerman of Essex	Mook of Bennington	Weston of Burlington
Jewett of Ripton	Moran of Wardsboro	Wilson of Manchester
Johnson of South Hero	Morrissey of Bennington	Wizowaty of Burlington
Keenan of St. Albans City	Mrowicki of Putney	Young of St. Albans City
	Myers of Essex	
	Nease of Johnson	

Those who voted in the negative are:

Ainsworth of Royalton	Higley of Lowell	Peltz of Woodbury
Atkins of Winooski *	Hube of Londonderry	Perley of Enosburg
Baker of West Rutland	Hubert of Milton	Rodgers of Glover *
Bohi of Hartford	Johnson of Canaan	Scheuermann of Stowe
Canfield of Fair Haven	Kilmartin of Newport City	Sharpe of Bristol
Clark of Vergennes	Komline of Dorset	Stevens of Shoreham
Condon of Colchester	Larocque of Barnet	Westman of Cambridge
Corcoran of Bennington	Lewis of Derby	Wheeler of Derby
Crawford of Burke	Marcotte of Coventry	Winters of Williamstown
Davis of Washington	McAllister of Highgate	Wright of Burlington
Donahue of Northfield	McNeil of Rutland Town	Zenie of Colchester
Donovan of Burlington	Morley of Barton	Zuckerman of Burlington
Fagan of Rutland City	O'Donnell of Vernon	
Helm of Castleton	Peaslee of Guildhall	

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

Brennan of Colchester
Cheney of Norwich

McFaun of Barre Town
Taylor of Barre City

Trombley of Grand Isle

Rep. Atkins of Winooski explained his vote as follows:

“Mr. Speaker:

I vote no on H. 147.

I have stated my feelings many times regarding my dislike of creating small groups for special regulations.

I have also stated that primary enforcement of this bill be by guess and by gosh. The ability to stop a vehicle because an officer thinks the driver may not be wearing a seat belt is not acceptable to me.”

Rep. Malcolm of Pawlet explained his vote as follows:

“Mr. Speaker:

I vote yes but I find it ironic to vote for a cell phone use ban before most people in my district have the opportunity to use cell phones to begin with.”

Rep. Rodgers of Glover explained his vote as follows:

“Mr. Speaker:

I vote no for this bill and yes to freedom.

I now have to put my faith in the wisdom of the Senate to stop the erosion of our freedom.”

Bill Amended; Third Reading Ordered

H. 92

Rep. South of St. Johnsbury, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to rent-to-own agreements

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

Sec. 1. STUDY; SPECIAL COMMITTEE ON MOBILE HOME

OWNERSHIP

(a) There is created a special committee on mobile home ownership, the organization of which shall be as follows:

(1) The committee shall hold its first meeting no later than June 30, 2009 at a place and time agreed to by a majority of the members. The commissioner of the department of housing and community affairs, or his or her designee, shall chair the first meeting, at which the committee shall elect a chair and vice chair and shall establish a schedule for accomplishing its duties under this act.

(2) Following its first meeting, the committee shall provide bi-monthly progress reports to the chairs of the house committee on general, housing and military affairs and the senate committee on economic development, housing and general affairs, and shall submit its final report to those committees on or before January 15, 2010.

(3) The staff of the department of housing and community affairs shall provide technical and clerical support to the committee.

(b) The committee shall consist of the following individuals:

(1) The commissioner of the department of housing and community affairs or designee.

(2) The commissioner of the department of banking, insurance, securities, and health care administration or designee.

(3) A representative of the banking industry with experience in real estate transactions recommended by the Vermont Bankers Association, Inc.

(4) A member representing the interests of Vermont town clerks who shall be appointed collaboratively by the Vermont League of Cities and Towns, Inc. and the Vermont Municipal Clerks' & Treasurers' Association.

(5) Two members representing the interests of mobile home tenants, one of whom shall be appointed by Vermont Legal Aid, and one of whom shall be appointed by the Champlain Valley Office of Economic Opportunity.

(6) A member representing the interests of mobile home park owners who shall be appointed by the Vermont Apartment Owners Association, LLC.

(c) The committee shall take such testimony and review such reports or other information to examine and develop proposals to address the following issues, and any additional issues it deems necessary, to accomplish its duties under this act:

(1) The historical and current practice of mobile home purchases on a "rent-to-own" basis, including:

(A) The prevalence of purchases on a rent-to-own basis.

(B) Whether rent-to-own purchases occur pursuant to written agreement, the form and content of those agreements, whether those agreements comply with current law, and whether a standard agreement unique to rent-to-own purchases of mobile homes should be adopted.

(C) The extent to which rent-to-own sellers and purchasers are aware of, and follow, notice and documentation requirements, including bills of sale, UCC filings, tax filings, and related recording requirements, and whether these requirements are sufficient to create an adequate public record of ownership.

(D) The extent to which rent-to-own purchasers utilize counsel or other resources when entering into agreements to purchase a mobile home.

(2) The current framework regulating foreclosure of interests in mobile homes and whether and how that framework sufficiently addresses rent-to-own purchases.

(3) The treatment of mobile homes as personal property, with emphasis on whether such treatment causes legal, financial, or other uncertainty with respect to ownership, and any potential resolution of these issues.

Sec. 3 EFFECTIVE DATE

This act shall take effect upon passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on General, Housing and Military Affairs agreed to and third reading ordered.

Senate Proposal of Amendment Concurred in

H. 91

The Senate proposed to the House to amend House bill, entitled

An act relating to technical corrections to the juvenile judicial proceedings act of 2008

In Sec. 2, 33 V.S.A. § 5123 in subsection (a) by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) minimizes physical and psychological trauma;

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Donahue of Northfield** moved that the House concur with the Senate proposal of amendment with a further amendment thereto:

In Sec. 2, 33 V.S.A. § 5123, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read:

(a) The commissioner of the department for children and families shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a child subject to this chapter in a manner that:

- (1) avoids physical and psychological trauma;
- (2) respects the privacy of the individual; and
- (3) represents the least restrictive means necessary for the safety of the child.

Which was agreed to.

Third Reading; Bills Passed

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

H. 192

House bill, entitled

An act relating to electronic benefit machines for farmers' markets;

H. 405

House bill, entitled

An act relating to K-12 and higher education partnerships;

Consideration Interrupted by Recess

H. 442

House bill, entitled

An act relating to miscellaneous tax provisions

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

First: By striking Sec. 13 in its entirety

Second: By striking Secs. 40–42 in their entirety

and by renumbering all sections to be numerically correct.

Pending the question, Shall the House amend the bill as recommended by Rep. Hubert of Milton? **Rep. Hubert of Milton** asked that the question be divided.

Pending the question, Shall the bill be amended as offered by Rep. Hubert of Milton in the first instance only? **Rep. Hubert of Milton** demanded the

Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Hubert of Milton in the first instance only? was decided in the negative. Yeas, 50. Nays, 93.

Those who voted in the affirmative are:

Acinapura of Brandon	Fagan of Rutland City	McNeil of Rutland Town
Adams of Hartland	Flory of Pittsford	Morley of Barton
Ainsworth of Royalton	Geier of South Burlington *	Morrissey of Bennington
Andrews of Rutland City	Helm of Castleton	Myers of Essex
Baker of West Rutland	Higley of Lowell	O'Donnell of Vernon
Branagan of Georgia	Howrigan of Fairfield	Pearce of Richford
Brennan of Colchester	Hube of Londonderry	Peaslee of Guildhall
Canfield of Fair Haven	Hubert of Milton	Perley of Enosburg
Clark of Vergennes	Johnson of Canaan	Reis of St. Johnsbury
Clerkin of Hartford	Komline of Dorset	Savage of Swanton
Courcelle of Rutland City	Krawczyk of Bennington	Scheuermann of Stowe
Crawford of Burke	Larocque of Barnet	Townsend of Randolph *
Devereux of Mount Holly	Lawrence of Lyndon	Turner of Milton
Dickinson of St. Albans Town	Lewis of Derby	Westman of Cambridge
Donaghy of Poultney	Marcotte of Coventry	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	Fisher of Lincoln	Lippert of Hinesburg
Atkins of Winooski	Frank of Underhill	Lorber of Burlington
Audette of South Burlington	French of Shrewsbury	Macaig of Williston
Bissonnette of Winooski	French of Randolph	Malcolm of Pawlet
Bohi of Hartford	Gilbert of Fairfax	Manwaring of Wilmington
Botzow of Pownal	Grad of Moretown	Marek of Newfane
Bray of New Haven	Greshin of Warren	Martin of Springfield
Browning of Arlington	Haas of Rochester	Martin of Wolcott
Burke of Brattleboro	Head of South Burlington	Masland of Thetford
Cheney of Norwich	Heath of Westford	McCullough of Williston
Clarkson of Woodstock	Hooper of Montpelier	McFaun of Barre Town
Condon of Colchester	Howard of Rutland City	Milkey of Brattleboro
Conquest of Newbury	Jerman of Essex	Miller of Shaftsbury
Consejo of Sheldon	Jewett of Ripton	Minter of Waterbury
Copeland-Hanzas of Bradford	Johnson of South Hero	Mitchell of Barnard
Corcoran of Bennington	Keenan of St. Albans City	Mook of Bennington
Davis of Washington	Kitzmiller of Montpelier	Moran of Wardsboro
Deen of Westminster	Klein of East Montpelier	Mrowicki of Putney
Donovan of Burlington	Koch of Barre Town	Nease of Johnson
Edwards of Brattleboro	Lanpher of Vergennes	Nuovo of Middlebury
Emmons of Springfield	Larson of Burlington	O'Brien of Richmond
Evans of Essex	Lenes of Shelburne	Obuchowski of Rockingham
	Leriche of Hardwick	Orr of Charlotte

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

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

Aswad of Burlington	Maier of Middlebury	Taylor of Barre City
Kilmartin of Newport City	Peltz of Woodbury	Trombley of Grand Isle

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

“Mr. Speaker:

It is my feeling that the state of Vermont should not be encouraging more family debt by its citizens. If we do anything about credit cards we should educate our citizens how to use the ones they have.”

Rep. Townsend of Randolph explained his vote as follows:

“Mr. Speaker:

I am a proud Vermonter. As such, I feel very protective of the Vermont name and logo. I admire the great name of our Green Mountain State on our milk, cheese, maple syrup, etc. I do not want it on a credit card.”

Recess

At three o'clock in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Consideration Resumed; Bill Amended, Read Third Time and Passed

H. 442

Consideration resumed on House bill, entitled

An act relating to miscellaneous tax provisions;

Thereupon, the second instance of recommendation of amendment offered by Rep. Hubert of Milton was disagreed to.

Rep. Pellett of Chester in Chair.

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

First: In Sec. 32, 32 V.S.A. § 7442a, subdivision (c), by striking the year “2008” and inserting in lieu thereof the year “2009”

Second: By striking Secs. 33, 34, and 35 in their entirety

Third: In Sec. 36, 32 V.S.A. § 7475, subdivision (2), by striking the year “2008” and inserting in lieu thereof the year “2009”

Fourth: In Sec. 48, subdivision (9), by striking “32–36” and inserting in lieu thereof “32 and 33”

And by renumbering all sections to be numerically correct.

Pending the question, Shall the bill be amended as offered by Rep. Koch of Barre Town? **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 Rep. Koch of Barre Town? was decided in the negative. Yeas, 52. Nays, 92.

Those who voted in the affirmative are:

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

Those who voted in the negative are:

Ancel of Calais	Bohi of Hartford	Cheney of Norwich
Andrews of Rutland City	Botzow of Pownal	Clarkson of Woodstock
Atkins of Winooski	Bray of New Haven	Condon of Colchester
Audette of South Burlington	Browning of Arlington	Conquest of Newbury
Bissonnette of Winooski	Burke of Brattleboro	Consejo of Sheldon

Copeland-Hanzas of Bradford	Kitzmiller of Montpelier	O'Brien of Richmond
Corcoran of Bennington	Klein of East Montpelier	Obuchowski of Rockingham
Courcelle of Rutland City	Lanpher of Vergennes	Orr of Charlotte
Davis of Washington	Larson of Burlington	Partridge of Windham
Deen of Westminster	Lenes of Shelburne	Poirier of Barre City
Donovan of Burlington	Leriche of Hardwick	Potter of Clarendon
Edwards of Brattleboro	Lippert of Hinesburg	Pugh of South Burlington
Emmons of Springfield	Lorber of Burlington	Ram of Burlington
Evans of Essex	Macaig of Williston	Rodgers of Glover
Fisher of Lincoln	Maier of Middlebury	Shand of Weathersfield
Frank of Underhill	Malcolm of Pawlet	Sharpe of Bristol
French of Shrewsbury	Manwaring of Wilmington	Smith of Mendon
French of Randolph	Marek of Newfane	South of St. Johnsbury
Geier of South Burlington	Martin of Springfield	Spengler of Colchester
Gilbert of Fairfax	Martin of Wolcott	Stevens of Waterbury
Grad of Moretown	Masland of Thetford	Stevens of Shoreham
Haas of Rochester	McCullough of Williston	Sweaney of Windsor
Head of South Burlington	Milkey of Brattleboro	Till of Jericho
Heath of Westford	Miller of Shaftsbury	Toll of Danville
Hooper of Montpelier	Minter of Waterbury	Townsend of Randolph
Howard of Rutland City	Mitchell of Barnard	Waite-Simpson of Essex
Jerman of Essex	Mook of Bennington	Weston of Burlington
Jewett of Ripton	Moran of Wardsboro	Wilson of Manchester
Johnson of South Hero	Mrowicki of Putney	Wizowaty of Burlington
Keenan of St. Albans City	Nease of Johnson	Young of St. Albans City
	Nuovo of Middlebury	Zuckerman of Burlington *

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

Aswad of Burlington	Smith of Morristown	Trombley of Grand Isle
Peltz of Woodbury	Taylor of Barre City	

Rep. Zuckerman of Burlington explained his vote as follows:

“Mr. Speaker:

In three years this exemption will save wealthy Vermonters more than 10 times the taxes that are being assessed under the temporary three-year surtax. Members who want lower taxes should think of the long-term bonus we are extending to those wealthy Vermonters.”

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

By striking Secs. 46 and 47 and renumbering the remaining section to be numerically correct.

Speaker Smith back in Chair.

Pending the question, Shall the bill be amended as offered by Rep. Clark of Vergennes? **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 amended as offered by Rep. Clark of Vergennes? was decided in the negative. Yeas, 55. Nays, 84.

Those who voted in the affirmative 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	O'Donnell of Vernon
Baker of West Rutland	Hube of Londonderry	Pearce of Richford
Branagan of Georgia	Hubert of Milton	Peaslee of Guildhall
Brennan of Colchester	Johnson of Canaan	Perley of Enosburg
Browning of Arlington	Kilmartin of Newport City	Reis of St. Johnsbury
Canfield of Fair Haven	Koch of Barre Town	Savage of Swanton
Clark of Vergennes *	Komline of Dorset	Scheuermann of Stowe
Clerkin of Hartford	Krawczyk of Bennington	South of St. Johnsbury
Corcoran of Bennington	Larocque of Barnet	Stevens of Shoreham
Crawford of Burke	Lawrence of Lyndon	Turner of Milton
Dickinson of St. Albans Town	Lewis of Derby	Westman of Cambridge
Donaghy of Poultney	Marcotte of Coventry	Wheeler of Derby
Donahue of Northfield	McAllister of Highgate	Wilson of Manchester
Fagan of Rutland City	McDonald of Berlin	Winters of Williamstown
Flory of Pittsford	McFaun of Barre Town	Wright of Burlington
Geier of South Burlington *	McNeil of Rutland Town	Young of St. Albans City
	Morley of Barton	

Those who voted in the negative are:

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

Mrowicki of Putney	Potter of Clarendon	Sweaney of Windsor
Nease of Johnson	Pugh of South Burlington	Till of Jericho
Nuovo of Middlebury	Ram of Burlington	Toll of Danville
O'Brien of Richmond	Rodgers of Glover	Townsend of Randolph
Obuchowski of Rockingham	Shand of Weathersfield	Webb of Shelburne
Orr of Charlotte	Sharpe of Bristol	Weston of Burlington
Partridge of Windham	Smith of Mendon	Zenie of Colchester
Pellett of Chester	Spengler of Colchester	
Poirier of Barre City	Stevens of Waterbury	

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

Aswad of Burlington	Peltz of Woodbury	Wizowaty of Burlington
Conquest of Newbury	Taylor of Barre City	Zuckerman of Burlington
Devereux of Mount Holly	Trombley of Grand Isle	
Grad of Moretown	Waite-Simpson of Essex	

Rep. Clark of Vergennes explained his vote as follows:

“Mr. Speaker:

Vermonters are screaming “don’t tread on me”. We ought to be listening.”

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

“Mr. Speaker:

We had the opportunity to show Vermonters that we are hearing them, that we are listening to them. It would be a good time to cut taxes.”

Pending third reading of the bill, **Rep. Higley of Lowell** moved to amend the bill by striking Secs. 3 and 4 in their entirety and by renumbering all sections to be numerically correct.

Which was disagreed to.

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

By striking Sec. 18 in its entirety and renumbering all sections to be numerically correct.

Which was disagreed to.

Pending third reading of the bill, **Rep. McDonald of Berlin** moved to amend the bill by striking Sec. 2 in its entirety and renumbering all sections to be numerically correct.

Which was disagreed to.

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

First: In Sec. 1, by adding subsections (d) and (e) to read:

(d) The positions created pursuant to subsections (a) and (b) of this section shall not be new state employee positions but instead shall be transferred and converted from the vacant position pool as and only when such positions in the vacant position pool become available.

(e) Notwithstanding any other provision of law, the positions created by this section shall be created as limited service positions and shall not be funded for a period in excess of three years.

Second: In Sec. 2, by inserting an “(a)” in front of the existing language and by adding subsections (b) and (c) to read:

(b) The positions created pursuant to subsection (a) of this section shall not be new state employee positions but instead shall be transferred and converted from the vacant position pool as and only when such positions in the vacant position pool become available.

(c) Notwithstanding any other provision of law, the positions created by this section shall be created as limited service positions and shall not be funded for a period in excess of three years.

Which was agreed to.

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

First: In Sec. 32, 32 V.S.A. § 7442a, by striking subdivision (c) in its entirety and inserting in lieu thereof a new subdivision (c) to read:

(c)(1) For decedents dying on or after January 1, 2009 but before July 1, 2009, the Vermont estate tax shall not exceed the amount of the tax imposed by Section 2001 of the Internal Revenue Service Code calculated using the applicable credit amount under Section 2010 as in effect on January 1, 2009, with no deduction under Section 2058.

(2) For decedents dying on or after July 1, 2009, the Vermont estate tax shall not exceed the amount of the tax imposed by Section 2001 of the Internal Revenue Service Code calculated using the applicable credit amount under Section 2010 as in effect on January 1, 2008, with no deduction under Section 2058.

Second: By striking Sec. 36 in its entirety and inserting in lieu thereof a new Sec. 36 to read:

Sec. 36. 32 V.S.A. § 7475 is amended to read:

§ 7475. ADOPTION OF FEDERAL ESTATE AND GIFT TAX LAWS

The laws of the United States, relating to federal estate and gift taxes as in effect on January 1, ~~2008~~ 2009, are hereby adopted for the purpose of computing the tax liability under this chapter, except:

(1) ~~with~~ the credit for state death taxes shall remain as provided for under ~~Section~~ Sections 2011 and 2604 of the Internal Revenue Code as in effect on January 1, 2001;

(2)(A) for estates of decedents dying on or after January 1, 2009 but before July 1, 2009, the applicable credit amount shall remain as provided for under Section 2010 of the Internal Revenue Code, as in effect on January 1, 2009;

(B) for estates of decedents dying on or after July 1, 2009, the applicable credit amount shall remain as provided for under Section 2010 of the Internal Revenue Code, as in effect on January 1, 2008; and

(3) ~~without any~~ the deduction for state death taxes under Section 2058 of the Internal Revenue Code shall not apply.

Third: In Sec. 46, by inserting after the words "For taxable year 2009." the words "beginning July 1, 2009."

Which was disagreed to.

Pending third reading of the bill, **Reps. Haas of Rochester, Fisher of Lincoln and Davis of Washington** moved to amend the bill as follows:

By adding Secs. 47a and 47b to read:

Sec. 47a. 32 V.S.A. § 5811(21) is amended to read:

(21) "Taxable income" means federal taxable income determined without regard to Section 168(k) of the Internal Revenue Code and:

* * *

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

(i) income from United States government obligations; and

(ii) the first \$5,000.00 of adjusted net capital gain income as defined in Section 1(h) of the Internal Revenue Code; and

(iii) 40 percent of ~~adjusted~~ net capital gain income ~~as defined in Section 1(h) of the Internal Revenue Code,~~ from the transfer of a controlling

interest in a business held by the transferor for more than 20 years, if the business at the time of transfer is owned only by the transferor and the transferor's family, including only the following: spouse, siblings, children, parents, grandparents, grandchildren, and spouse's siblings, children, parents, grandparents, and grandchildren; but the total amount of decrease under this subdivision (ii)(iii) shall not exceed 40 percent of federal taxable income.

Sec. 47b. EFFECTIVE DATE

Sec. 47a of this act (capital gain limitation) shall apply to taxable years 2010 and after.

and by renumbering all sections of the bill to be numerically correct.

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

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **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 pass? was decided in the affirmative. Yeas, 82. Nays, 54.

Those who voted in the affirmative are:

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

Sharpe of Bristol	Sweaney of Windsor	Webb of Shelburne
Smith of Mendon	Till of Jericho	Weston of Burlington
Spengler of Colchester	Toll of Danville	Zenie of Colchester
Stevens of Waterbury	Townsend of Randolph	

Those who voted in the negative are:

Acinapura of Brandon	Higley of Lowell	O'Donnell of Vernon
Adams of Hartland	Hube of Londonderry	Pearce of Richford
Ainsworth of Royalton	Hubert of Milton	Peaslee of Guildhall
Baker of West Rutland	Johnson of Canaan	Perley of Enosburg
Branagan of Georgia	Kilmartin of Newport City	Reis of St. Johnsbury
Browning of Arlington	Komline of Dorset	Rodgers of Glover
Canfield of Fair Haven	Krawczyk of Bennington	Savage of Swanton
Clark of Vergennes	Larocque of Barnet	Scheuermann of Stowe
Clerkin of Hartford	Lawrence of Lyndon	South of St. Johnsbury
Corcoran of Bennington	Lewis of Derby	Stevens of Shoreham
Crawford of Burke	Marcotte of Coventry	Turner of Milton
Dickinson of St. Albans Town	Martin of Wolcott	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
Greshin of Warren	Morley of Barton	Young of St. Albans City
Helm of Castleton	Morrissey of Bennington	
	Myers of Essex	

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

Aswad of Burlington	Koch of Barre Town	Waite-Simpson of Essex
Brennan of Colchester	Minter of Waterbury	Wizowaty of Burlington
Conquest of Newbury	Peltz of Woodbury	Zuckerman of Burlington
Donovan of Burlington	Taylor of Barre City	
Grad of Moretown	Trombley of Grand Isle	

Rep. Bray of New Haven explained his vote as follows:

“Mr. Speaker:

I know from listening to thousands of conversations while going door-to-door that Vermonters, regardless of their political affiliation, expect us to solve the state’s challenges using a fair, balanced approach.

When it comes to the budget, we have four tools; cuts, rainy day funds, stimulus funds and new revenues.

This bill uses all four of these tools and lives up to our voter’s expectations for reasonable, respectful, and productive compromise.”

Rep. Consejo of Sheldon explained his vote as follows:

“Mr. Speaker:

I listened very carefully to all the explanations that were given today on that very important issue. At the end, I found myself compelled to support my colleagues in their quest to bring some balance between the needs, and the wants of the people of Vermont. There will be more cuts to be done in the future and I know, we will again have to decide the services that we will have to suspend or eliminate.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

We are cheated of our ability to represent the best interests of the people of this state when we are forced to vote on fragmented pieces of an unknown overall strategy – assuming one even exists.”

Rep. Fagan of Rutland City explained his vote as follows:

“Mr. Speaker:

I vote no on new taxes and I vote no on saddling our/my youngsters with the results of our mistakes.”

Rep. Gilbert of Fairfax explained his vote as follows:

“Mr. Speaker:

The math is simple. A cost shift hiding a tax increase would cost \$260; a surcharge would cost \$27.00. Give me the tax anytime.”

Rep. McDonald of Berlin explained her vote as follows:

“Mr. Speaker:

I voted no. When Forbes magazine ranked Vermont last year as the greenest state, no one contested the findings. But when the same magazine ranks Vermont as the state that levies the nation’s largest tax burden on individuals, the results are challenged. Yet, all we need to do is to listen to Vermonters who know first-hand that they are already being taxed too much and then tell them we are raising their taxes by \$24 million in FY 2010.”

Rep. Myers of Essex explained her vote as follows:

“Mr. Speaker:

Since town meeting day, voters in Essex have defeated four budgets – two municipal budgets and yesterday, two school budgets. The people in my community are hurting. For all of those people, last week I voted no on the

budget, and today I vote no on an increase in taxes.”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

My no vote reflects my disappointment in our inability to make fundamental, structural changes that are badly needed. Instead all we do is the same old – same old. We raised taxes, discouraged business investment and job creation, and we did this during a recession. This is not what Vermonters expected.”

Bill Amended, Read Third Time and Passed

H. 447

House bill, entitled

An act relating to wetlands protection

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

First: In Sec. 5, 10 V.S.A. § 914, in subsection (c), after the words “shall provide” in the first sentence by inserting the words “by certified mail” before the words “written notice”

Second: In Sec. 12, by adding subdivision (a)(6) to read:

“(6) A summary of the total number of staff positions necessary to carry out the wetland permitting and determination requirements of this act.”

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

Message from the Senate No. 38

A message was received from the Senate by Mr. Gibson, its Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered the substitute report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 232. An act relating to fiscal year 2009 budget adjustment.

And has accepted and adopted the same on its part.

Adjournment

At eight o'clock in the evening, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at one o'clock in the afternoon.