

Journal of the House

Wednesday, April 29, 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 Rev. Mark Pitton of Bethany Church of Christ, Montpelier, VT.

Colors Presented

Girl Scouts of the Green and White Mountains presented colors:

Callers: Rachel Sanguinetti of Berlin and Brittney Weiland of Georgia

Flag Bearers: Katie Lamell of Middlesex and Stephanie Garland of Barre Town

Color Guard: Holly McClay and Molly Center of Bennington.

Bill Referred to Committee on Ways and Means

S. 70

Senate bill, entitled

An act relating to clarifying the procedure for reinstatement of a driver's license based on total abstinence from alcohol and drugs

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

House Resolution Placed on Calendar

H.R. 17

House resolution, entitled

House resolution designating the third week in October of 2009 as disability history week

Offered by: Representatives Milkey of Brattleboro, Acinapura of Brandon, Adams of Hartland, Ainsworth of Royalton, Ancel of Calais, Andrews of Rutland City, Aswad of Burlington, Atkins of Winooski, Audette of South Burlington, Baker of West Rutland, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Branagan of Georgia, Bray of New Haven,

Brennan of Colchester, Browning of Arlington, Burke of Brattleboro, Canfield of Fair Haven, Cheney of Norwich, Clark of Vergennes, Clarkson of Woodstock, Clerkin of Hartford, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Corcoran of Bennington, Courcelle of Rutland City, Crawford of Burke, Davis of Washington, Deen of Westminster, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Edwards of Brattleboro, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Flory of Pittsford, Frank of Underhill, French of Shrewsbury, French of Randolph, Geier of South Burlington, Gilbert of Fairfax, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Helm of Castleton, Higley of Lowell, Hooper of Montpelier, Howard of Rutland City, Howrigan of Fairfield, Hube of Londonderry, Hubert of Milton, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Johnson of Canaan, Keenan of St. Albans City, Kilmartin of Newport City, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krawczyk of Bennington, Lanpher of Vergennes, Larocque of Barnet, Larson of Burlington, Lawrence of Lyndon, Lenes of Shelburne, Leriche of Hardwick, Lewis of Derby, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Maier of Middlebury, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McAllister of Highgate, McCullough of Williston, McDonald of Berlin, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Minter of Waterbury, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Morley of Barton, Morrissey of Bennington, Mrowicki of Putney, Myers of Essex, Nease of Johnson, Nuovo of Middlebury, O'Brien of Richmond, Obuchowski of Rockingham, O'Donnell of Vernon, Orr of Charlotte, Partridge of Windham, Pearce of Richford, Peaslee of Guildhall, Pellett of Chester, Peltz of Woodbury, Perley of Enosburg, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Ram of Burlington, Reis of St. Johnsbury, Rodgers of Glover, Savage of Swanton, Scheuermann of Stowe, Shand of Weathersfield, Sharpe of Bristol, Smith of Mendon, Smith of Morristown, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll of Danville, Townsend of Randolph, Trombley of Grand Isle, Turner of Milton, Waite-Simpson of Essex, Webb of Shelburne, Westman of Cambridge, Weston of Burlington, Wheeler of Derby, Wilson of Manchester, Winters of Williamstown, Wizowaty of Burlington, Wright of Burlington, Young of St. Albans City, Zenie of Colchester and Zuckerman of Burlington

Whereas, according to the U.S. Census, one in five Vermonters has a disability, and disability experience is a significant part of the of the personal and social lives of these Vermonters and their families, and

Whereas, while disability rates are declining in older adults, they are increasing among younger Vermonters, and the overall number of individuals with disabilities living in the community is increasing, and

Whereas, Vermont citizens and the general assembly share a proud history of promoting equal rights and opportunities for individuals with disabilities in education, employment, and community life, and

Whereas, Vermont remains committed to ensuring that persons with disabilities benefit equally from the values of freedom and unity that underlie our state's laws and constitution, and

Whereas, the Americans with Disabilities Act of 1990 is founded on four principles—inclusion, full participation, economic self-sufficiency, and equality of opportunity for all people with disabilities, and

Whereas, to ensure the full inclusion of people with disabilities into society, it is necessary to expand public knowledge, awareness, and understanding of the history of disabilities and the disability rights, deaf culture, independent living, and self-advocacy movements and of disability as a natural part of the human experience, and

Whereas, it is desirable that Vermont's public elementary, secondary, and postsecondary educational institutions promote activities that provide education, awareness, and understanding regarding people with disabilities through their curriculum offerings, assemblies, and other activities, and

Whereas, cooperation between educational institutions and community-based organizations as a way to promote equality of opportunity and full participation of individuals with disabilities in the social, educational, economic, and political life of our communities should be encouraged and promoted throughout the state, now therefore be it

Resolved by the House of Representatives:

That this legislative body designates the third week in October as disability history week in Vermont, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Vermont Coalition for Disability Rights in Montpelier.

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

Joint Resolution Placed on Calendar**J.R.S. 31**

Joint resolution urging Congress to address the dramatic rise of electronic payment interchange rates that merchants and consumers are assessed.

Whereas, consumers are increasingly using credit and debit card electronic payment systems to purchase goods and services, and annually these purchases now exceed the number of check transactions, and

Whereas, in order for merchants to accept these payment systems, merchants are required to pay interchange fees to banks and credit card providers, and

Whereas, these interchange fees are usually hidden and not disclosed to the consumer, and

Whereas, the interchange fees are ultimately passed on to the consumers, including those who pay with cash or a check and who, in effect, subsidize rewards given to credit card customers, and

Whereas, the number of rewards cards in circulation is rapidly increasing, and the new rewards cards are more costly for both merchants and consumers, and

Whereas, the interchange fees, including those paid on food and gasoline, are typically almost double the profit margin of the merchant, and the resulting impact on consumer prices is significant, and on each transaction, the bank or credit card provider earns a higher amount than the amount of the merchant's net profit, and

Whereas, traditional economic models are not applicable because only a few businesses process these electronic payment transactions, and merchants are forced to accept terms dictated, often without notice or recourse, and

Whereas, small businesses struggle to absorb the constant increases in the cost of accepting electronic payments, and

Whereas, it is advantageous that economic models facilitate a highly competitive marketplace, and

Whereas, the increased consumer use of electronic payments requires Congress to assure the existence of a highly competitive and vibrant market that promotes an economic playing field that is fair to consumers, merchants and card providers, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to address the current anticompetitive nature of credit and debit interchange fees charged to merchants and consumers, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation.

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

Joint Resolution Adopted in Concurrence**J.R.S. 33*****Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, May 1, 2009, it be to meet again no later than Tuesday, May 5, 2009.

Was taken up read and adopted in concurrence.

Committee of Conference Appointed**H. 26**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on House bill, entitled

An act relating to plans for treatment of unmarked burial sites;

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Head of South Burlington

Rep. Baker of West Rutland

Rep. Ram of Burlington

Committee of Conference Appointed**H. 91**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on House bill, entitled

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

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Haas of Rochester
Rep. O'Donnell of Vernon
Rep. Pugh of South Burlington

Bill Amended; Third Reading Ordered

H. 75

Rep. Larson of Burlington, for the committee on Appropriations, to which had been referred House bill, entitled

An act relating to interim budget and appropriation adjustments

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

Sec. 1. 32 V.S.A. § 704 is amended to read:

§ 704. INTERIM BUDGET AND APPROPRIATION ADJUSTMENTS

(a) The general assembly recognizes that acts of appropriations and their sources of funding reflect the priorities for expenditures of public funds enacted by the legislature, and that major reductions or adjustments ~~in such appropriations~~, when required by reduced state revenues or other reasons, ought to be made whenever possible by an act of the legislature reflecting its revisions of those priorities. Nevertheless, if the general assembly is not in session, authorized appropriations and their sources of funding may be ~~reduced adjusted and funds may be transferred~~ pursuant to the provisions of this section.

(b)(1) If the official state revenue estimates of the emergency board for the general fund, the transportation fund, or federal funds, determined under section 305a of this title have been reduced by one percent or more from the estimates determined and assumed for purposes of the general appropriations act or budget adjustment act, and if the general assembly is not in session, in order to ~~reduce~~ adjust appropriations and their sources of funding under this subdivision the secretary shall prepare a plan ~~to reduce appropriations~~ for approval by the joint fiscal committee, and authorized appropriations and their sources of funding may be ~~reduced adjusted and funds transferred~~ pursuant to ~~an expenditure reduction~~ a plan approved under this section.

(2) If the secretary of administration determines that the current fiscal year revenues for the general fund, transportation fund, or federal funds are likely to be reduced from the official revenue estimates by less than one percent, the secretary may prepare and implement an expenditure reduction plan, and implement appropriations reductions in accordance with the plan. The secretary may implement a plan under this subdivision without the

approval of the joint fiscal committee if reductions to any individual appropriation do not exceed five percent of the appropriation's amount for personal services, operating expenses, grants, and other categories, and provided that the plan is designed to minimize any negative effects on the delivery of services to the public, and shall not have any unduly disproportionate effect on any single function, program, service, ~~or benefit, or~~ county. Plans not requiring the approval of the joint fiscal committee shall be filed with the joint fiscal office prior to implementation. If the secretary's plan consists of disproportionate reductions greater than five percent in any line item, such plan shall not be implemented without the approval of the joint fiscal committee.

~~(c) An expenditure reduction plan prepared by the secretary shall indicate all proposed reductions in expenditures authorized by a general appropriations or budget adjustment act, and shall indicate the effect of the expenditure reduction on the primary purposes of the program for which the appropriation was made.~~

~~(d) An expenditure reduction~~ A plan prepared for approval by the joint fiscal committee by the secretary shall indicate the amounts to be reduced from adjusted in each appropriation, and from in personal services, operating expenses, grants, and other categories, shall indicate the effect of each adjustment in appropriations and their sources of funding, and each fund transfer, on the primary purposes of the program, and shall indicate how it is designed to minimize any negative effects on the delivery of services to the public, and any unduly disproportionate effect the plan may have on any single function, program, service, or benefit, or county.

~~(e)~~(d) An expenditure reduction plan under subdivision (b)(2) of this section shall not include any reduction in:

(1) appropriations authorized and necessary to fulfill the state's debt obligations;

(2) appropriations authorized for the judicial or legislative branches, except that the plan may recommend reductions for consideration by the judicial or legislative branches; or

(3) appropriations for the salaries of elected officers of the executive department listed in subsection 1003(a) of this title.

~~(f)~~(e)(1) The joint fiscal committee shall have 21 days from the date of submission of a plan under subdivision (b)(1) of this section to consider the plan, and may approve an expenditure reduction or disapprove the plan submitted under subdivision (b)(1) of this section upon affirmative a vote of a

majority of the members of the committee. If the committee vote results in a tie, the plan shall be deemed disapproved; and if the committee fails for any other reason to take final action on such plan within 21 days of its submission to the committee, it shall be deemed to be approved. ~~For purposes of this section the committee shall be convened at the call of the chair or at the request of at least three members of the committee.~~ During the 21-day period for consideration of the plan, the committee shall conduct a public hearing and provide an opportunity for public comment on the plan.

(2) ~~If the committee disapproves the plan, is disapproved, then in order to communicate the priorities of the general assembly, the committee shall make recommendations to the secretary for amendments to the plan. The~~ Within seven days after the committee notifies the secretary of its disapproval of a plan, the secretary may resubmit submit a final plan to the committee for approval. The committee shall have 14 days from the date of submission of a final plan to consider that plan and to vote by a majority of the members of the committee to approve or disapprove the plan; but if the committee fails to approve or disapprove the plan by a majority vote, the plan shall be deemed disapproved. If the secretary's final plan includes any changes from the original plan other than those recommended by the committee, then during the 14-day period for consideration of the final plan, the committee shall provide an opportunity for public comment on the plan. A disapproved plan shall not be implemented. In the event of an additional reduction in the official state revenue estimate, the secretary of administration may request approval of an amended expenditure reduction plan.

(3) ~~In determining whether to approve the secretary's a plan submitted by the secretary under this subsection,~~ the committee shall consider whether the plan minimizes any negative effects on the delivery of services to the public, and whether the plan will have any unduly disproportionate effect on any single function, program, service, ~~or benefit or county.~~

(4) Any plan disapproved under this section shall not be implemented.

(5) For purposes of this section, the committee shall be convened at the call of the chair or at the request of at least three members of the committee.

~~(g)~~(f) In the event of a reduction in the official revenue estimate of one percent or more, the secretary may implement an expenditure reduction plan in the manner provided for in subdivision (b)(2) of this section, provided that the reduction in appropriations is not greater than one percent of the prior official revenue estimate.

(g) In this subsection, "downgrade" means the cumulative reductions in the official state revenue estimates of the emergency board for the general fund,

the transportation fund, or federal funds, determined under section 305a of this title, from the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act, minus the total reductions in appropriations already taken under this section in that fund in the fiscal year. No plan may be approved or implemented under this section which (i) would reduce appropriations from any fund by more than the downgrade; or (ii) would result in total reductions under this section in appropriations in the fiscal year from any fund by more than five percent of the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act.

(h) The provisions of this section shall apply to each official state revenue estimate of the emergency board in the fiscal year and when the general assembly is not in session.

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

Rep. Copeland-Hanzas in Chair.

Pending the question, Shall the House amend the bill as recommended by the committee on Appropriations? **Rep. Larson of Burlington** moved to amend the recommendation of amendment offered by the committee on Appropriations as follows:

In Sec. 1 by striking subsection (g) in 32 V.S.A. § 704 and inserting in lieu thereof a new subsection (g) to read:

(g) No plan may be approved or implemented under this section which (i) would reduce appropriations from any fund by more than the cumulative reductions in the official state revenue estimates of the emergency board for the general fund, the transportation fund, or federal funds, determined under section 305a of this title, from the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act; minus the total reductions in appropriations already taken under this section in that fund in the fiscal year; or (ii) would result in total reductions under this section in appropriations in the fiscal year from any fund by more than five percent of the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act.

Which was agreed to.

Pending the question, Shall the House amend the bill as recommended by the committee on Appropriations, as amended? **Rep. Poirier of Barre City** moved to amend the recommendation of amendment offered by the committee on Appropriations, as amended, as follows:

First: In Sec. 1, 32 V.S.A. § 704(e)(1), by striking “and if the committee fails for any other reason to take final action on such plan within 21 days of its submission to the committee, it shall be deemed to be approved”

and inserting in lieu thereof the words “and if the committee fails for any other reason to take final action on such plan within 21 days of its submission to the committee, it shall be deemed to be ~~approved~~ disapproved”

Second: In Sec. 1, 32 V.S.A. § 704(e)(2), by striking the words “If the secretary’s final plan includes any changes from the original plan other than those recommended by the committee, then during the 14-day period for consideration of the final plan, the committee shall provide an opportunity for public comment on the plan.”

and inserting in lieu thereof “If the secretary’s final plan includes any changes from the original plan other than those recommended by the committee, then during the 14-day period for consideration of the final plan, the committee shall conduct a public hearing and provide an opportunity for public comment, with the scope of the hearing and the comments limited to the changes from the original plan.”

Third: In Sec. 1, by striking 32 V.S.A. § 704(g) and inserting a new subsection (g) to read:

(g) No plan may be approved or implemented under this section which:

(1) would reduce appropriations from any fund by more than the cumulative reductions in the official state revenue estimates of the emergency board for the general fund, the transportation fund, or federal funds, determined under section 305a of this title, from the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act; minus the total reductions in appropriations already taken under this section in that fund in the fiscal year; or

(2) would result in total reductions under this section in appropriations in the fiscal year from any fund by more than four percent of the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act.

Which was agreed to.

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

Rep. Pellett in Chair.

Pending the question, Shall the bill be read a third time? **Rep. Poirier of Barre 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 bill be read a third time? was decided in the affirmative. Yeas, 121. Nays, 11.

Those who voted in the affirmative are:

Ancel of Calais	Gilbert of Fairfax	Moran of Wardsboro
Andrews of Rutland City	Grad of Moretown	Morrissey of Bennington
Aswad of Burlington	Greshin of Warren	Mrowicki of Putney
Atkins of Winooski	Haas of Rochester	Myers of Essex
Audette of South Burlington	Head of South Burlington	Nease of Johnson
Baker of West Rutland	Heath of Westford	Nuovo of Middlebury
Bissonnette of Winooski	Hooper of Montpelier	Obuchowski of Rockingham
Bohi of Hartford	Howard of Rutland City	O'Donnell of Vernon
Botzow of Pownal	Howrigan of Fairfield	Partridge of Windham
Branagan of Georgia	Hube of Londonderry	Pearce of Richford
Bray of New Haven	Hubert of Milton	Peltz of Woodbury
Brennan of Colchester	Jerman of Essex	Perley of Enosburg
Browning of Arlington	Jewett of Ripton	Poirier of Barre City
Burke of Brattleboro	Johnson of South Hero	Potter of Clarendon
Canfield of Fair Haven	Keenan of St. Albans City	Pugh of South Burlington
Cheney of Norwich	Kitzmiller of Montpelier	Ram of Burlington
Clark of Vergennes	Klein of East Montpelier	Reis of St. Johnsbury
Clarkson of Woodstock	Krawczyk of Bennington	Rodgers of Glover
Clerkin of Hartford	Lanpher of Vergennes	Savage of Swanton
Condon of Colchester	Larocque of Barnet	Scheuermann of Stowe
Conquest of Newbury	Larson of Burlington	Shand of Weathersfield
Consejo of Sheldon	Lenes of Shelburne	Smith of Mendon
Copeland-Hanzas of Bradford	Leriche of Hardwick	South of St. Johnsbury
Corcoran of Bennington	Lippert of Hinesburg	Stevens of Waterbury
Courcelle of Rutland City	Macaig of Williston	Stevens of Shoreham
Crawford of Burke	Maier of Middlebury	Sweaney of Windsor
Davis of Washington	Malcolm of Pawlet	Taylor of Barre City
Deen of Westminster	Manwaring of Wilmington	Till of Jericho
Devereux of Mount Holly	Marek of Newfane	Toll of Danville
Dickinson of St. Albans Town	Martin of Springfield	Townsend of Randolph
Donovan of Burlington	Martin of Wolcott	Waite-Simpson of Essex
Emmons of Springfield	Masland of Thetford	Webb of Shelburne
Evans of Essex	McAllister of Highgate	Westman of Cambridge
Fagan of Rutland City	McCullough of Williston	Weston of Burlington
Fisher of Lincoln	McDonald of Berlin	Wheeler of Derby
Frank of Underhill	McNeil of Rutland Town	Wilson of Manchester
French of Shrewsbury	Milkey of Brattleboro	Winters of Williamstown
French of Randolph	Miller of Shaftsbury	Wizowaty of Burlington
Geier of South Burlington	Minter of Waterbury	Wright of Burlington
	Mitchell of Barnard	Young of St. Albans City
	Mook of Bennington	Zenie of Colchester

Those who voted in the negative are:

Acinapura of Brandon	Helm of Castleton	Lawrence of Lyndon
Adams of Hartland	Higley of Lowell	Lewis of Derby
Ainsworth of Royalton	Kilmartin of Newport City *	Peaslee of Guildhall
Donaghy of Poultney	Koch of Barre Town	

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

Donahue of Northfield	Marcotte of Coventry	Smith of Morristown
Edwards of Brattleboro	McFaun of Barre Town	Spengler of Colchester
Flory of Pittsford	Morley of Barton	Trombley of Grand Isle
Johnson of Canaan	O'Brien of Richmond	Turner of Milton
Komline of Dorset	Orr of Charlotte	Zuckerman of Burlington
Lorber of Burlington	Sharpe of Bristol	

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

“Mr. Speaker:

No! I was sent here to approve expenditures. I would violate my oath of office by authorizing a small coterie of unrepresentative persons to approve of anything other than a reduction in expenditures. This is clearly an unconstitutional delegation of power.”

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 69

Senate bill, entitled

An act relating to digital campaign finance filings;

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Third Reading; Bill Passed in Concurrence

S. 96

Senate bill, entitled

An act relating to unclaimed property.

Was taken up, read the third time and passed in concurrence.

**Rules Suspended; Proposals of Amendment Agreed to;
Third Reading Ordered**

S. 42

Appearing on the Calendar for notice, on motion of **Rep. Nease of Johnson**, the rules were suspended and Senate bill, entitled

An act relating to the Department of Banking, Insurance, Securities, and Health Care Administration

Was taken up for immediate consideration.

Rep. Wilson of Manchester, for the committee on Commerce and Economic Development, to which had been referred reported in favor of its passage in concurrence with proposal of amendment as follows:

First: By inserting a new Sec. 30a to read as follows:

Sec. 30a. 8 V.S.A. § 6006(i)(5) is amended to read:

(5) the commissioner may issue a certificate of general good to permit the formation of a captive insurance company that is established for the sole purpose of merging with or assuming existing insurance or reinsurance business from an existing ~~Vermont~~ licensed captive insurance company. The commissioner may, upon request of such newly formed captive insurance company, waive or modify the requirements of subdivisions 6002(c)(1)(B) and (2) of this title.

Second: After Sec. 33, by inserting three new sections to be numbered 33a-33b and 33c, to read as follows:

Sec. 33a. 8 V.S.A. § 15(c) and (d) are added to read:

(c) The commissioner may waive the requirements of 15 V.S.A. § 795(b) as the commissioner deems necessary to permit the department to participate in any national licensing or registration systems with respect to any person or entity subject to the jurisdiction of the commissioner under this title, Title 9, or chapter 221 of Title 18. The commissioner may waive the requirements of 32 V.S.A. § 3113(b) as the commissioner deems necessary to permit the department to participate in any national licensing or registration systems with respect to any person or entity not residing in this state and subject to the jurisdiction of the commissioner under this title, Title 9, or chapter 221 of Title 18.

(d) Upon written request by the office of child support and after notice and opportunity for hearing to the licensee as required under any applicable provision of law, the commissioner may revoke or suspend any license or other authority to conduct a trade or business (including a license to practice a profession) issued to any person under this title, chapter 150 of Title 9, and chapter 221 of Title 18 if the commissioner finds that the applicant or licensee is subject to a child support order and is not in good standing with respect to

that order or is not in full compliance with a plan to pay any and all child support payable under a support order as of the date the application is filed or as of the date of the commencement of revocation proceedings, as applicable. For purposes of such findings, the written representation to that effect by the office of child support to the commissioner shall constitute prima facie evidence. The office of child support shall have the right to intervene in any hearing conducted with respect to such license revocation or suspension. Any findings made by the commissioner based solely upon the written representation with respect to that license revocation or suspension shall be made only for the purposes of that proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from that license revocation or suspension. Any license or certificate of authority suspended or revoked under this section shall not be reissued or renewed until the department receives a certificate issued by the office of child support that the licensee is in good standing with respect to a child support order or is in full compliance with a plan to pay any and all child support payable under a support order.

Sec. 33b. 21 V.S.A. § 1378(c) is amended to read:

(c) Every agency shall, ~~at least annually~~ upon request, furnish to the commissioner a list of licenses and contracts issued or renewed by such agency during the reporting period; provided, however, that the secretary of state shall, with respect to certificates of authority to transact business issued to foreign corporations, furnish to the commissioner only those certificates originally issued by the secretary of state during the reporting period and not renewals of such certificates. The lists should include the name, address, Social Security or federal identification number of such licensee or provider, and such other information as the commissioner may require.

Sec. 33c. REPEAL

21 V.S.A. § 1378(b) (verification of good standing with respect to unemployment contributions) is repealed.

Rep. Masland of Thetford, for the committee on Ways and Means, recommended the bill ought to pass in concurrence when amended as recommended by the committee on Commerce and Economic Development and when further amended as follows:

First: In Sec. 20, 8 V.S.A. § 6014(h), by striking the number “12” before the word “percent” and inserting in lieu thereof the number “11”

Second: In Sec. 21, 8 V.S.A. § 6014(k), by striking the date “January 1, 2009” and inserting in lieu thereof “the effective date of this subsection”

Third: In Sec. 22, 8 V.S.A. § 6017(a)(1), by striking the number “12” before the word “percent” and inserting in lieu thereof the number “11”

Fourth: By striking Sec. 34 in its entirety and inserting in lieu thereof a new Sec. 34 to read:

Sec. 34. EFFECTIVE DATES

This act shall take effect July 1, 2009, except that this section, Secs. 15 and 16 (guaranty funds), Secs. 17 through 19 (captive insurance), Sec. 21 (tax credit), and Secs. 23 through 30 (captive insurance) shall take effect upon passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposals of amendment offered by the committees on Commerce and Economic Development and Ways and Means were agreed to and third reading ordered.

Adjournment

At twelve o'clock and ten minutes in the afternoon, on motion of **Rep. McDonald of Berlin**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.