

Journal of the House

Wednesday, May 6, 2009

Rep. Jewett in Chair.

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

Devotional Exercises

Devotional exercises were conducted by Chittenden County VNA Hospice Group and Caroline Heydinger, second place winner in the National Oratorical Contest sponsored by the American Legion.

Message from the Senate No. 54

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 297. An act relating to approval of the adoption of the charter of the Morristown Corners Water Corporation.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 444. An act relating to health care reform.

H. 446. An act relating to renewable energy and energy efficiency.

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

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

H. 91. An act relating to technical corrections to the juvenile judicial proceedings act of 2008.

And has accepted and adopted the same on its part.

The Senate has considered House proposals of amendment to Senate bills of the following titles:

S. 2. An act relating to offenders with a mental illness or other functional impairment.

S. 42. An act relating to the Department of Banking, Insurance, Securities, and Health Care Administration.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 129. An act relating to containing health care costs by decreasing variability in health care spending and utilization.

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

The Governor has informed the Senate that on May 5, 2009, he approved and signed a bill originating in the Senate of the following title:

S. 27. An act relating to tastings and sale of wines, fortified wines and spirits.

Joint Resolution Placed on Calendar

J.R.H. 30

Joint resolution in support of the continued operation of the Shriners Hospital for Children in Springfield, Massachusetts

Offered by: Representatives Weston of Burlington, Ainsworth of Royalton, Andrews of Rutland City, Baker of West Rutland, Bohi of Hartford, Botzow of Pownal, Branagan of Georgia, Bray of New Haven, Burke of Brattleboro, Canfield of Fair Haven, Copeland-Hanzas of Bradford, Crawford of Burke, Davis of Washington, Devereux of Mount Holly, Donovan of Burlington, Edwards of Brattleboro, Emmons of Springfield, Fagan of Rutland City, Fisher of Lincoln, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Greshin of Warren, Haas of Rochester, Higley of Lowell, Howard of Rutland City, Hube of Londonderry, Keenan of St. Albans City, Klein of East Montpelier, Krawczyk of Bennington, Leriche of Hardwick, Lewis of Derby, Manwaring of Wilmington, Martin of Springfield, Milkey of Brattleboro, Miller of Shaftsbury, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Morley of Barton, Obuchowski of Rockingham, O'Donnell of Vernon, Orr of Charlotte, Partridge of Windham, Perley of Enosburg, Poirier of Barre City, Pugh of South Burlington, Ram of Burlington, Reis of St.

Johnsbury, Savage of Swanton, Shand of Weathersfield, Sharpe of Bristol, Stevens of Shoreham, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Turner of Milton, Webb of Shelburne, Wright of Burlington and Young of St. Albans City

Whereas, the Shriners Hospitals for Children consist of a network of 22 specialized medical centers that offer orthopedic pediatric care, including inpatient, outpatient, and surgical services, and physical therapy and prosthetics as a child grows, and

Whereas, since 1922, Shriners Hospitals have been providing these medical and rehabilitative services to children, from birth until age 18, who have congenital deformities, problems resulting from orthopedic injuries, and diseases of the musculoskeletal system, and

Whereas, these hospitals are intended for all children, regardless of their families' financial status and health insurance coverage, and

Whereas, the Shriners Hospital serving all New England is located in Springfield, Massachusetts and, in 2008, it treated 97 Vermont patients whose registered visits to the hospital totaled 298, and

Whereas, the Springfield Shriners Hospital's staff and consultants consist of board-certified pediatric orthopedic surgeons, a pediatric rheumatologist, plastic surgeons, more than 90 consulting physicians and surgeons, rehabilitation specialists, child life specialists, and certified orthotists and prosthetists, and

Whereas, financial support for Shriners Hospitals is derived from the Shriners' organization and public donations, and

Whereas, as a network, the 22 hospitals have been losing one million dollars a day since 2001, and their financial health is now so precarious that in late March, Ralph Semb, the chair of the Shriners Hospitals' board of directors, announced that unfortunately six of the hospitals may close or reduce their services, including the Springfield, Massachusetts facility, and

Whereas, the closure of the Springfield hospital would force the Vermont patients to travel to Philadelphia for equivalent medical assistance, and outpatient services would become impractical, and

Whereas, the board is scheduled to meet in July to determine if this drastic course of action must proceed forward, and

Whereas, a rally was recently held in Springfield to support the hospital, the closure of which would not only mean the loss of specialized pediatric health care and surgical services, but the elimination of several hundred jobs, and

Whereas, the continuation of the Springfield, Massachusetts Shriners Hospital is vitally important for Vermont's children with orthopedic-related medical requirements, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its strong support for the outstanding work of the Shriners Hospital in Springfield, Massachusetts and recognizes its important and continuing role as a health care provider for the citizens of Vermont, and be it further

Resolved: That the General Assembly urges the board of directors of the Shriners Hospitals to seek every possible alternative to the closure or significant reduction of medical and surgical services at its facility in Springfield, Massachusetts, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Shriners Hospital in Springfield, Massachusetts and to Ralph Semb, chair of the Shriners Hospitals' board of directors.

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

Consideration Interrupted by Recess

S. 48

Senate bill, entitled

An act relating to marketing of prescription drugs

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

First: In Sec. 3, 18 V.S.A. § 4631, in subdivision (a)(4), by striking "food," following "payment,"

Second: In Sec. 3, 18 V.S.A. § 4631, in subdivision (b)(2), by adding a subdivision (H) to read as follows:

(H) Meals or other food or beverage, as long as they are not:

(i) part of an entertainment or recreational event;

(ii) offered without an informational presentation made by a marketing agent of a manufacturer of prescribed products or without such an agent present;

(iii) offered, consumed, or provided outside the health care professional's office, a hospital, a pharmacy, or a nursing home; or

(iv) provided to a health care provider's spouse or other guest.

Third: In Sec. 4, 18 V.S.A. § 4632, in subsection (a), by designating subdivision (2) as subdivision (2)(A) and by adding a subdivision (2)(B) to read as follows:

(B) Notwithstanding the provisions of subdivision (1) of this section, annually on or before October 1 of each year, each manufacturer of prescribed products shall disclose to the office of the attorney general all meals or other food or beverage provided to a health care provider or his or her staff, as allowed pursuant to subdivision 4631(b)(2)(H) of this title, in excess of \$15.00 per person per occurrence. In addition to the information required to be reported pursuant to subdivision (4) of this subsection, the manufacturer shall report the name of each individual recipient, including each health care provider and each member of a health care provider's staff who received a meal or portion thereof, and the cost of the meal or other food or beverage provided. For meals provided to more than one recipient, the cost attributable to each recipient shall be the total cost of the meal or other food or beverage divided by the total number of recipients.

Fourth: In Sec. 4, 18 V.S.A. § 4632, in subdivision (a)(4)(A), by striking "subdivision (a)(2)" and inserting in lieu thereof "subdivision (a)(2)(A)

Pending the question, Shall the House amend the House recommendation of proposal of amendment as offered by Rep. Helm of Castleton? **Rep. Koch of Barre Town** moved to amend the proposal of amendment offered by Rep. Helm of Castleton, as follows:

In Sec. 4 §4632(2) (B), by striking the words "in excess of \$15.00 per person per occurrence"

Pending the question, Shall the amendment offered by Rep. Helm of Castleton be amended as offered by Rep. Koch of Barre Town? **Rep. Leriche of Hardwick** 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 amendment offered by Rep. Helm of Castleton be amended as offered by Rep. Koch of Barre Town?? was decided in the affirmative. Yeas, 73. Nays, 64.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Ainsworth of Royalton

Andrews of Rutland City
Atkins of Winooski
Baker of West Rutland

Bohi of Hartford
Botzow of Pownal
Branagan of Georgia

Bray of New Haven	Howard of Rutland City	O'Donnell of Vernon
Canfield of Fair Haven	Howrigan of Fairfield	Pearce of Richford
Clark of Vergennes	Hube of Londonderry	Peaslee of Guildhall
Clerkin of Hartford	Hubert of Milton	Perley of Enosburg
Condon of Colchester	Kilmartin of Newport City	Reis of St. Johnsbury
Consejo of Sheldon	Koch of Barre Town *	Savage of Swanton
Corcoran of Bennington	Komline of Dorset	Scheuermann of Stowe
Courcelle of Rutland City	Krawczyk of Bennington	Sharpe of Bristol
Crawford of Burke	Larocque of Barnet	Smith of Mendon
Devereux of Mount Holly	Lawrence of Lyndon	Stevens of Shoreham
Dickinson of St. Albans Town	Lewis of Derby	Till of Jericho
Donaghy of Poultney	Lorber of Burlington	Townsend of Randolph
Donahue of Northfield	Macaig of Williston	Waite-Simpson of Essex
Fagan of Rutland City	Marcotte of Coventry	Webb of Shelburne
Flory of Pittsford	McAllister of Highgate	Westman of Cambridge
Frank of Underhill	McDonald of Berlin	Weston of Burlington
French of Shrewsbury	McFaun of Barre Town	Wheeler of Derby
Greshin of Warren	McNeil of Rutland Town	Wilson of Manchester
Haas of Rochester	Miller of Shaftsbury	Winters of Williamstown
Helm of Castleton	Mitchell of Barnard	Wright of Burlington
Higley of Lowell	Morrissey of Bennington	Zuckerman of Burlington
	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Hooper of Montpelier	Nease of Johnson
Aswad of Burlington	Jerman of Essex	Nuovo of Middlebury
Bissonnette of Winooski	Johnson of South Hero	O'Brien of Richmond
Browning of Arlington	Keenan of St. Albans City	Obuchowski of Rockingham
Burke of Brattleboro	Kitzmiller of Montpelier	Partridge of Windham
Cheney of Norwich	Klein of East Montpelier	Pellett of Chester
Clarkson of Woodstock	Lanpher of Vergennes	Peltz of Woodbury
Conquest of Newbury	Lenes of Shelburne	Poirier of Barre City
Copeland-Hanzas of Bradford	Leriche of Hardwick	Pugh of South Burlington
Davis of Washington	Lippert of Hinesburg	Ram of Burlington
Deen of Westminster	Maier of Middlebury	Rodgers of Glover
Donovan of Burlington	Malcolm of Pawlet	Shand of Weathersfield
Edwards of Brattleboro	Marek of Newfane	South of St. Johnsbury
Emmons of Springfield	Martin of Springfield	Spengler of Colchester
Evans of Essex	Martin of Wolcott	Stevens of Waterbury
Fisher of Lincoln	Masland of Thetford	Sweaney of Windsor
French of Randolph	McCullough of Williston	Taylor of Barre City
Geier of South Burlington	Milkey of Brattleboro	Toll of Danville
Gilbert of Fairfax	Minter of Waterbury	Wizowaty of Burlington
Grad of Moretown	Mook of Bennington	Young of St. Albans City
Head of South Burlington	Moran of Wardsboro	Zenie of Colchester
	Mrowicki of Putney	

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

Audette of South Burlington	Larson of Burlington	Potter of Clarendon
Brennan of Colchester	Manwaring of Wilmington	Smith of Morristown
Heath of Westford	Morley of Barton	Trombley of Grand Isle
Johnson of Canaan	Orr of Charlotte	Turner of Milton

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

“Mr. Speaker:

I voted yes on this amendment because when this bill was presented it was said under findings that this act is necessary to increase transparency for consumers by requiring disclosure of allowable expenditures and gifts to health care providers and facilities providing health care. This amendment did just exactly that. It insured all gifts and allowable expenditures would be reported on a per person per occurrence basis.”

Recess

At twelve o'clock and five minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Consideration Resumed; Proposals of Amendment Agreed to; Bill Read Third Time and Passed in Concurrence with Proposals of Amendment

S. 48

Consideration resumed on Senate bill, entitled

An act relating to marketing of prescription drugs;

Pending the question, Shall the House proposal of amendment be further amended as offered by Rep. Helm of Castleton? **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 proposal of amendment be further amended as offered by Rep. Helm of Castleton? was decided in the negative. Yeas, 53. Nays, 88.

Those who voted in the affirmative are:

Acinapura of Brandon	Branagan of Georgia	Courcelle of Rutland City
Adams of Hartland	Brennan of Colchester	Crawford of Burke
Ainsworth of Royalton	Canfield of Fair Haven	Devereux of Mount Holly
Andrews of Rutland City	Clark of Vergennes	Dickinson of St. Albans Town
Audette of South Burlington	Clerkin of Hartford	Donaghy of Poultney
Baker of West Rutland	Corcoran of Bennington	

Fagan of Rutland City	Larocque of Barnet	Pearce of Richford
Flory of Pittsford	Lawrence of Lyndon	Peaslee of Guildhall
Helm of Castleton	Lewis of Derby	Perley of Enosburg
Higley of Lowell	Marcotte of Coventry	Reis of St. Johnsbury
Howard of Rutland City	McAllister of Highgate	Savage of Swanton
Howrigan of Fairfield	McDonald of Berlin	Scheuermann of Stowe
Hube of Londonderry	McFaun of Barre Town	Smith of Mendon
Hubert of Milton	McNeil of Rutland Town	Turner of Milton
Kilmartin of Newport City	Morley of Barton	Westman of Cambridge
Koch of Barre Town	Morrissey of Bennington	Winters of Williamstown
Komline of Dorset	Myers of Essex	Wright of Burlington
Krawczyk of Bennington	O'Donnell of Vernon	Zuckerman of Burlington *

Those who voted in the negative are:

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

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

Condon of Colchester	Heath of Westford	Taylor of Barre City
Conquest of Newbury	Johnson of Canaan	Trombley of Grand Isle
Grad of Moretown	Larson of Burlington	

Rep. Zuckerman of Burlington explained his vote as follows:

“Mr. Speaker:

I voted yes because I believe we should hold all humans who make critical decisions for others, whether doctors or politicians, to the same standard. I support the underlying bill and hope we will hold ourselves to the same standard next year.”

Pending third reading of the bill, **Rep. Copeland-Hanzas of Bradford** moved to amend the proposal of amendment, as follows:

First: In Sec. 4, 18 V.S.A. § 4632, in subdivision (a)(1)(B), following “gift”, by inserting “permitted under subdivision 4631a(b)(2) of this title”

Second: In Sec. 4, 18 V.S.A. § 4632, in subdivision (a)(4), in the introductory paragraph, following “gift”, by inserting “permitted under subdivision 4631a(b)(2) of this title”

Third: In Sec. 4, 18 V.S.A. § 4632, in subdivision (a)(4)(A), following “allowable expenditure”, by inserting “and gift permitted under subdivision 4631a(b)(2) of this title”

Fourth: In Sec. 4, 18 V.S.A. § 4632, by striking subdivision (a)(5) in its entirety and redesignating subdivision (a)(6) as (a)(5)

Fifth: In Sec. 4, 18 V.S.A. § 4632, by inserting a new subdivision (a)(6) to read as follows:

(6) After issuance of the report required by subdivision (a)(5) of this section, the office of the attorney general shall make all disclosed data used for the report publicly available and searchable through an Internet website.

Sixth: In Sec. 4, 18 V.S.A. § 4632, in subdivision (b)(2), by striking the comma following “4631a” and inserting in lieu thereof “and” and by striking “and 4633”

Seventh: By adding a new Sec. 8 to read as follows:

Sec. 8. HEALTH CARE COSTS IN CORRECTIONS WORK GROUP

(a) The director of health care reform, in consultation with the commissioner of corrections, shall convene a work group to:

(1) review the recommendations of the Heinz Family Philanthropies report entitled Making Connections: Utilizing the 340B Drug Pricing Program; and

(2) establish a mechanism for providing health services and prescriptions through a network of federally qualified health centers,

disproportionate share hospitals, and other covered entities eligible under the Veterans Health Care Act of 1992, Public Law 102-585, codified at Section 340B of the Public Health Service Act.

(b) The work group shall include representatives from:

- (1) Bi-State Primary Care Association;
- (2) Fletcher Allen Health Care;
- (3) Vermont Association of Hospitals and Health Systems;
- (4) Behavioral Health Network;
- (5) Heinz Family Philanthropies; and
- (6) other interested stakeholders.

(c) No later than July 31, 2009, the work group shall provide a report to the commission on health care reform and the corrections oversight committee.

Eighth: In Sec. 11, by adding a subdivision (3) to read as follows:

(3) Sec. 8 of this act, establishing a work group to examine health care costs in corrections, shall take effect upon passage.

and by renumbering the remaining sections to be numerically correct

Which was agreed to.

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

In Sec. 4, 18 V.S.A. § 4632, as follows:

First: In subdivision (a)(1)(B)(ii), by striking “and” following “title;”

Second: In subdivision (a)(1)(B)(iii), by striking the period following “registry” and inserting in lieu thereof “; and”

Third: By adding a new subdivision, (a)(1)(B)(iv), to read as follows:

(iv) samples of a prescribed product provided to a health care provider for free distribution to patients.

Fourth: By striking subdivision (a)(2) in its entirety and renumbering the remaining subdivisions to be numerically correct

Fifth: In the existing subdivision (a)(4)(A), by striking “except as otherwise provided in subdivision (a)(2) of this section,”

Pending the question, Shall the House proposal of amendment be further amended as offered by Rep. Wright of Burlington? **Rep. Wright of Burlington**

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 further amended as offered by Rep. Wright of Burlington? was decided in the negative. Yeas, 56. Nays, 83.

Those who voted in the affirmative are:

Acinapura of Brandon	Fagan of Rutland City	McNeil of Rutland Town
Adams of Hartland	Flory of Pittsford	Miller of Shaftsbury
Ainsworth of Royalton	Helm of Castleton	Morrissey of Bennington
Atkins of Winooski	Higley of Lowell	Myers of Essex
Audette of South Burlington	Howrigan of Fairfield	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
Canfield of Fair Haven	Keenan of St. Albans City	Reis of St. Johnsbury
Clark of Vergennes	Kilmartin of Newport City	Savage of Swanton
Clerkin of Hartford	Komline of Dorset	Scheuermann of Stowe
Condon of Colchester	Krawczyk of Bennington	South of St. Johnsbury
Consejo of Sheldon	Larocque of Barnet	Stevens of Shoreham
Corcoran of Bennington	Lawrence of Lyndon	Townsend of Randolph
Crawford of Burke	Lewis of Derby	Turner of Milton
Devereux of Mount Holly	Marcotte of Coventry	Westman of Cambridge
Dickinson of St. Albans Town	McAllister of Highgate	Wheeler of Derby
Donaghy of Poultney	McDonald of Berlin	Winters of Williamstown
	McFaun of Barre Town	Wright of Burlington *

Those who voted in the negative are:

Ancel of Calais	Fisher of Lincoln	Macaig of Williston
Andrews of Rutland City	Frank of Underhill	Maier of Middlebury
Aswad of Burlington	French of Shrewsbury *	Malcolm of Pawlet
Bissonnette of Winooski	French of Randolph	Manwaring of Wilmington
Bohi of Hartford	Geier of South Burlington	Marek of Newfane
Botzow of Pownal	Gilbert of Fairfax	Martin of Springfield
Bray of New Haven	Greshin of Warren	Martin of Wolcott
Browning of Arlington	Haas of Rochester	Masland of Thetford
Burke of Brattleboro	Head of South Burlington	McCullough of Williston
Cheney of Norwich	Hooper of Montpelier	Milkey of Brattleboro
Clarkson of Woodstock	Howard of Rutland City	Minter of Waterbury
Conquest of Newbury	Jerman of Essex	Mitchell of Barnard
Copeland-Hanzas of Bradford	Jewett of Ripton	Mook of Bennington
Davis of Washington	Johnson of South Hero	Moran of Wardsboro
Deen of Westminster	Kitzmiller of Montpelier	Mrowicki of Putney
Donahue of Northfield	Klein of East Montpelier	Nease of Johnson
Donovan of Burlington	Lanpher of Vergennes	Nuovo of Middlebury
Edwards of Brattleboro	Lenes of Shelburne	O'Brien of Richmond
Emmons of Springfield	Leriche of Hardwick	Obuchowski of Rockingham
Evans of Essex	Lippert of Hinesburg	Orr of Charlotte
	Lorber of Burlington	Partridge of Windham

Peltz of Woodbury	Sharpe of Bristol	Webb of Shelburne
Poirier of Barre City	Spengler of Colchester	Weston of Burlington
Potter of Clarendon	Stevens of Waterbury	Wilson of Manchester
Pugh of South Burlington	Sweaney of Windsor	Wizowaty of Burlington
Ram of Burlington	Taylor of Barre City	Young of St. Albans City
Rodgers of Glover	Till of Jericho	Zenie of Colchester
Shand of Weathersfield	Toll of Danville	Zuckerman of Burlington *

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

Courcelle of Rutland City	Larson of Burlington	Trombley of Grand Isle
Grad of Moretown	Morley of Barton	Waite-Simpson of Essex
Heath of Westford	Smith of Mendon	
Koch of Barre Town	Smith of Morristown	

Rep. French of Shrewsbury explained his vote as follows:

“Mr. Speaker:

I vote no on this amendment. If there is a real benefit to low income patients from free drug samples it’s hard to imagine that many doctors would discontinue providing them solely because of so-called security risks or possible faulty reporting.”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

Passage of this amendment was important to ensure that low and moderate income Vermonters can continue to access prescriptions that are so important to them. We know some doctors will stop signing for these samples as a result of this requirement. I hope the Senate fixes this, and protects these vulnerable Vermonters.”

Rep. Zuckerman of Burlington explained his vote as follows:

“Mr. Speaker:

I too greatly respect the opinion and medical advice of Dr. Richter. I hope all of those who voted yes on this amendment due to her expertise will also follow her medical advice and will support universal health care in the future.”

Pending third reading of the bill, **Rep. O'Donnell of Vernon** moved to amend the House proposal of amendment as follows:

By adding a new Sec. 8 to read as follows:

Sec. 8. 2 V.S.A. § 23 is added to read:

§ 23. ATTENDANCE AT CERTAIN CONFERENCE EVENTS
PROHIBITED

No member of the Vermont general assembly may use state funds to attend, or receive reimbursement from the state for attending, any conference or other educational event financed in whole or in part by any manufacturer of prescribed products, as those terms are defined in subdivisions 4631(a)(7) and (10) of Title 18.

and by renumbering the remaining sections to be numerically correct

Thereupon, **Rep. O'Donnell of Vernon** asked and was granted leave of the House to withdraw her amendment.

Pending third reading of the bill, **Rep. Flory of Pittsford** moved to amend the proposal of amendment as follows:

In Sec. 4, 18 V.S.A. § 4632, in subsection (a), by redesignating subdivision (2) as subdivision (2)(A) and by adding a subdivision (2)(B) to read as follows:

(B) Information related to Schedules II, III, and IV controlled substances, as defined in 21 C.F.R. Part 1308, as from time to time amended, shall not be publicly available or searchable pursuant to subdivision (a)(6) of this subsection.

Which was agreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Maier of Middlebury** 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 in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 99. Nays, 40.

Those who voted in the affirmative are:

Acinapura of Brandon	Copeland-Hanzas of Bradford	Gilbert of Fairfax
Ancel of Calais	Corcoran of Bennington	Greshin of Warren
Andrews of Rutland City	Courcelle of Rutland City	Haas of Rochester
Atkins of Winooski	Davis of Washington	Head of South Burlington
Audette of South Burlington	Deen of Westminster	Hooper of Montpelier
Bissonnette of Winooski	Donahue of Northfield	Howard of Rutland City
Bohi of Hartford	Donovan of Burlington	Howrigan of Fairfield
Botzow of Pownal	Edwards of Brattleboro	Jerman of Essex
Branagan of Georgia	Emmons of Springfield	Jewett of Ripton
Bray of New Haven	Evans of Essex	Johnson of South Hero
Browning of Arlington	Fisher of Lincoln	Keenan of St. Albans City
Burke of Brattleboro	Frank of Underhill	Kitzmiller of Montpelier
Cheney of Norwich	French of Shrewsbury	Klein of East Montpelier
Clarkson of Woodstock	French of Randolph	Koch of Barre Town
Conquest of Newbury	Geier of South Burlington	Lanpher of Vergennes
Consejo of Sheldon		Lenes of Shelburne

Leriche of Hardwick	Moran of Wardsboro	Spengler of Colchester
Lippert of Hinesburg	Morrissey of Bennington	Stevens of Waterbury
Lorber of Burlington	Mrowicki of Putney	Sweaney of Windsor
Macaig of Williston	Nuovo of Middlebury	Taylor of Barre City
Maier of Middlebury	O'Brien of Richmond	Till of Jericho
Malcolm of Pawlet	Obuchowski of Rockingham	Toll of Danville
Manwaring of Wilmington	Orr of Charlotte	Townsend of Randolph
Marek of Newfane *	Partridge of Windham	Waite-Simpson of Essex
Martin of Springfield	Pellett of Chester	Webb of Shelburne
Martin of Wolcott	Peltz of Woodbury	Weston of Burlington
Masland of Thetford	Poirier of Barre City	Wheeler of Derby
McCullough of Williston	Potter of Clarendon	Wilson of Manchester
McFaun of Barre Town	Pugh of South Burlington	Wizowaty of Burlington
Milkey of Brattleboro	Ram of Burlington	Young of St. Albans City
Miller of Shaftsbury	Rodgers of Glover	Zenie of Colchester
Minter of Waterbury	Shand of Weathersfield	Zuckerman of Burlington
Mitchell of Barnard	Smith of Mendon	
Mook of Bennington	South of St. Johnsbury	

Those who voted in the negative are:

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

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

Aswad of Burlington	Larson of Burlington	Stevens of Shoreham
Condon of Colchester	Morley of Barton	Trombley of Grand Isle
Grad of Moretown	Nease of Johnson	
Heath of Westford	Sharpe of Bristol	

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

No Vermonter can be unaware of the unsavory impact of pharmaceutical marketing efforts on our health care costs and services. Despite great resistance, this bill brings much needed transparency and responsibility to this

problem at long last. Just as with our controlling data mining, we have taken a welcome step forward.”

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

“Mr. Speaker:

No! This is nothing but the theatre of the absurd, and a slap in the face of the integrity of health providers who are both my friends and neighbors.”

Message from the Senate No. 55

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 on its part adopted joint resolutions of the following titles:

J.R.S. 32. Joint resolution authorizing the commissioner of forests, parks and recreation to enter into land exchanges and to sell a portion of Camel’s Hump State Park.

J.R.S. 34. Joint resolution designating October 2009 as health care career awareness month.

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

The Senate has considered House proposals of amendment to Senate bills of the following titles:

S. 70. An act relating to clarifying the procedure for reinstatement of a driver’s license based on total abstinence from alcohol and drugs.

S. 91. An act relating to operation of vessels on public waters.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 47. An act relating to salvage yards.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Joint Senate Resolution of the following title:

J.R.S. 26. Joint resolution relating to the legalization of industrial hemp.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 125. An act relating to expanding the sex offender registry.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President pro tempore announced the appointment as members of such Committee on the part of the Senate:

Senator Campbell
Senator Mullin
Senator Sears

Pursuant to the request of the House for Committees of Conference on the disagreeing votes of the two Houses on the following House bills the President pro tempore announced the appointment as members of such Committees on the part of the Senate:

H. 313. An act relating to near-term and long-term economic development.

Senator Illuzzi
Senator Miller
Senator Hartwell

H. 427. An act relating to making miscellaneous amendments to education law.

Senator Starr
Senator Doyle
Senator Nitka

**Bill Read Third Time and Passed in Concurrence
with Proposal of Amendment**

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 and pending third reading of the bill, **Rep. Crawford of Burke** moved to amend the proposal of amendment, as follows:

First: In Sec. 12, 16 V.S.A. § 1073(b)(3)(B)(i), in the final sentence, by striking the words “academic courses” and “courses” and inserting in lieu thereof the words “learning experiences”

Second: In Sec. 12, 16 V.S.A. § 1073(b)(3)(B)(iii), after the phrase “whose decision shall be final” and before the period, by inserting the following: “; any determination by the commissioner regarding “substantial equivalency” pursuant to subdivision (i) of this subdivision (b)(3)(B) shall be based on the commissioner’s analysis of the course syllabus or the course description provided by the district of residence or enrolling school”

Which was agreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **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 bill pass in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 94. Nays, 45.

Those who voted in the affirmative are:

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

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

Those who voted in the negative are:

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

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

Aswad of Burlington	Larson of Burlington	Townsend of Randolph
Heath of Westford	Morley of Barton	Trombley of Grand Isle
Hube of Londonderry	Smith of Morristown	
Koch of Barre Town	Toll of Danville	

Rep. Jerman of Essex explained his vote as follows:

“Mr. Speaker:

I reluctantly vote no today because I think the Pre-K section of the bill misses the mark. The problem with Pre-K is that over forth school districts have no programs; no new programs have been started since we passed the original bill in 2007. We need another bi-partisan effort to work on the thorny budget questions that have stopped the Pre-K movement from reaching its full potential.”

Rep. McDonald of Berlin explained her vote as follows:

“Mr. Speaker:

I vote no on S. 136 primarily because of the changes made to the Pre-K program regarding the elimination of the cap.

When the Pre-K bill was passed during the 2007-08 biennium, promises were made in this building regarding the cap. Those promises have now been broken.”

Joint Resolution Adopted

J.R.H. 29

Joint resolution, entitled

Joint resolution urging Congress to enact a new Homeowner and Bank Protection Act;

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

Message from the Senate No. 56

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 83. An act relating to underground storage tanks and the petroleum cleanup fund.

H. 136. An act relating to executive branch fees.

H. 453. An act relating to receivership of long-term care facilities.

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

The Senate has considered the reports of the Committees of Conference upon the disagreeing votes of the two Houses upon House bills of the following titles:

H. 15. An act relating to aquatic nuisance control.

H. 86. An act relating to the regulation of professions and occupations.

And has accepted and adopted the same on its part.

Joint Resolution Referred to Committee

J.R.S. 32

By Senator Campbell,

J.R.S. 32. Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to enter into land exchanges and to sell a portion of Camel's Hump State Park.

Whereas, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation to exchange or lease certain lands, with the approval of the General Assembly, and

Whereas, 29 V.S.A. § 166(b) authorizes the Commissioner of Buildings and General Services, upon authorization of the General Assembly, which may be by resolution, and with the advice and consent of the Governor, to sell real estate owned by the State, and

Whereas, the General Assembly considers the following actions to be in the best interest of the State, now therefore be it

Resolved by the Senate and House of Representatives:

That the Commissioner of Forests, Parks and Recreation is authorized to:

(1) Amend the ski area lease on Okemo Mountain at Okemo State Forest to provide for three (3) additional ten-year extension periods.

(2) Convey a limited right-of-way in common along a portion of a state forest highway locally known as "Rangers Road" to the owners of lots 42, 43, 44, 45 and 46 located adjacent to a portion of Coolidge State Forest in the Town of Plymouth and a separate limited right-of-way across a portion of state forest land to the owners of lot 42. The right-of-way in common shall begin at the western most end of town highway 38 and shall extend westerly along Rangers Road to the adjoining private parcels. The right-of-way in common shall be limited to vehicular access to the existing lots only and does not include the right to install power or telephone lines within the right-of-way. The Department may gate or close this portion of Rangers Road for maintenance purposes or if unsafe conditions exist. However, the Department shall not be obligated to maintain this right-of-way in common beyond what it deems necessary for its own purposes. In exchange for this right-of-way in common, the owners of lots 42, 43, 44, 45 and 46 shall agree not to further subdivide their parcels; to limit development on their parcels to one primary residential structure; and to relinquish any claim they may have for an alternative right-of-way by necessity to the west of the parcels from town highway 4 (Messer Hill Road). Additionally, as a condition of this conveyance, the owners of lots 43, 44, 45 and 46 shall agree to convey a right-of-way to the Department of Forests, Parks and Recreation along the portion of the state forest highway that crosses their respective parcels.

A separate limited right-of-way across state forest land to the owners of Lot

42 shall be limited to vehicular access to lot 42 as it currently exists and one primary residential structure only. The maintenance of this right-of-way shall be the sole responsibility of the owners of lot 42. In exchange for this limited right-of-way, the owners of lot 42 shall ensure through the conveyance of restrictive covenants to the Department or the conveyance of an easement or other legal mechanism approved by the Department that lot 42 will not be further subdivided or developed. As a condition to any conveyance of this limited right-of-way, the owner of lot 42 shall also demonstrate that he or she has legal, permanent access from the end of the state's right-of-way across adjacent private lands to lot 42.

(3) Sell to an interested party a portion of Camel's Hump State Park containing the so-called Lafreniere House located in the Town of Bolton. The property to be sold is considered surplus by the Department of Forests, Parks and Recreation and shall be so configured to include only that acreage deemed necessary to encompass the Lafreniere House and associated out buildings, structures, facilities and access drives. The barns located on this property may also be included in the sale if it is deemed in the best interest of the State to include them. The Department of Forests, Parks and Recreation shall arrange for an independent appraisal of this parcel and shall ensure that any sale to a private party is at least equal to the property's appraised fair market value. The Department shall provide an opportunity for any and all interested parties to submit proposals for the purchase of this parcel and will work closely with the Town of Bolton to ensure their interests and needs are carefully considered prior to any sale or conveyance of this property. Any sale shall be contingent on the approval of the Vermont housing and conservation board and shall include any legal restrictions deemed necessary to maintain the historic integrity and open space character of the property. Pursuant to the provisions of subsection 166(d) of Title 29, the general assembly hereby authorizes that the net proceeds of this transaction shall be used by the department to cover all expenses associated with the sale of this property with the balance to be deposited in the Vermont Housing and Conservation Trust Fund.

(4) Exchange, sell, or lease a 10± acre portion of Victory State Forest to the town of Victory to be used for a new town garage in exchange for land or other consideration of equivalent or greater value to the state or both. Any conveyance or lease of state forest land shall be contingent on the following: (1) the town of Victory must conduct an engineering assessment of the state forest parcel which demonstrates that the site is suitable for the town's intended purposes; (2) the town of Victory must assume any and all associated costs, including appraisal, survey, permitting and legal; (3) the final proposal, including the consideration offered by the town to the state for the exchange,

sale or lease of the state forest parcel, is approved by both the Department of Forests, Parks and Recreation and the Vermont Housing and Conservation Board; and (4) pursuant to subsection 166(d) of title 29, the General Assembly hereby authorizes that the net proceeds of any sale of the state forest parcel shall be deposited in the Vermont Housing and Conservation Trust Fund.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the Committee on Corrections and Institutions.

Consideration Interrupted by Recess

H. 436

House bill, entitled

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

Assuring the House that he voted with the prevailing side when the House refused to concur in the Senate proposal of amendment, **Rep. Klein of East Montpelier** moved that the House reconsider its vote.

Recess

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

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

Consideration Resumed; House Reconsidered Action on Bill, House Concurrent in the Senate Proposal of Amendment with a Further Amendment Thereto

H. 436

Consideration resumed on House bill, entitled

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

The recurring question, Shall the House reconsider its action not to concur in the Senate proposal of amendment and appoint a committee of conference? was agreed to.

Thereupon, the question, Shall the House not concur in the Senate proposal of amendment and appoint a committee of conference? was disagreed to.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Klein of East Montpelier** moved that the House concur in

the Senate proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 1, 30 V.S.A. § 107(c), by striking the words “and immediate” wherever they occurs and by striking the third sentence and inserting in lieu thereof the following: “In this section, “decommissioning” has the meaning stated in subdivisions 260(b)(1)–(3) of this title.”

Second: By adding a new Sec. 2 to read:

Sec. 2. 30 V.S.A. § 260 is added to read:

§ 260. DECOMMISSIONING TRUST; NUCLEAR GENERATION

(a) Purpose. The purpose of this section is to promote reclamation of lands on which nuclear energy generation plants are located, as soon as technically possible following cessation of use for electric power generation or of authority to operate, to a condition that allows future beneficial use of those lands, whether for energy production, industrial use, commercial use, recreational use, or other use consistent with the character and traditional settlement patterns and land uses of the state, region, and locality.

(b) On and after March 22, 2012, any person or entity owning or controlling a nuclear energy generation plant, whether or not the plant is in operation, shall have in place a decommissioning trust that is adequate at all times to fund the full cost of complete decommissioning or, if decommissioning has commenced, to fund the full remaining cost of complete decommissioning and otherwise meet the requirements of this section. For the purpose of this section:

(1) “As soon as technically possible” excludes placing the plant in storage for later decommissioning.

(2) “Decommissioning” means the decommissioning of a nuclear plant in accordance with the decommissioning requirements of the Nuclear Regulatory Commission, management and storage of spent fuel, and return of the site of the plant to a greenfield condition as soon as technically possible after either of the following, whichever is earlier: the permanent cessation of the plant’s use for generation of electricity or a date set by the board in a certificate applicable to the plant, person, or company for cessation of authority to operate the plant.

(3) “Greenfield condition” means restoring the site by removal of all structures, equipment, and foundations and, if appropriate, regrading and reseeding the land.

(c) A decommissioning trust shall be funded by cash or a financial instrument or both as long as the instrument is approved by either the Nuclear Regulatory Commission or the public service board and does not rely on placing the plant in storage for later decommissioning. Such an instrument may include a guarantee by a parent corporation.

(d) A decommissioning trust and any included funds and financial instruments shall be subject to the laws of Vermont, shall be usable by the beneficiary only for the purpose of decommissioning, and shall include a spendthrift provision sufficient under Vermont law to restrain both voluntary and involuntary transfers of the beneficiary's interest.

Third: By adding a new Sec. 3 to read:

Sec. 3. 30 V.S.A. § 248(e)(2) is amended to read:

(2) No nuclear energy generating plant within this state may be operated beyond the date permitted in any certificate of public good granted pursuant to this title, including any certificate in force as of January 1, 2006, unless the general assembly approves and determines that the operation will promote the general welfare, and until the public service board issues a certificate of public good under this section. If the general assembly has not acted under this subsection by July 1, 2008, the board may commence proceedings under this section and under 10 V.S.A. chapter 157, relating to the storage of radioactive material, but may not issue a proposed, preliminary, or final order on the merits of continued operation or certificate of public good until the general assembly determines that operation will promote the general welfare and grants approval for that operation.

and by renumbering the existing Sec. 2 to be Sec. 4

Pending the question, Shall the House concur in the Senate proposal of amendment further amendment thereto? **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 House concur in the Senate proposal of amendment further proposal thereto? was decided in the affirmative. Yeas, 85. Nays, 52.

Those who voted in the affirmative are:

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

Fisher of Lincoln	Macaig of Williston	Pellett of Chester
Frank of Underhill	Maier of Middlebury	Peltz of Woodbury
French of Shrewsbury	Malcolm of Pawlet	Poirier of Barre City
French of Randolph	Manwaring of Wilmington	Potter of Clarendon
Geier of South Burlington	Marek of Newfane	Ram of Burlington
Gilbert of Fairfax	Martin of Springfield	Shand of Weathersfield
Grad of Moretown	Martin of Wolcott	Sharpe of Bristol
Haas of Rochester	Masland of Thetford	Smith of Mendon
Head of South Burlington	McCullough of Williston	Spengler of Colchester
Hooper of Montpelier	Milkey of Brattleboro	Stevens of Waterbury
Howard of Rutland City	Miller of Shaftsbury	Taylor of Barre City
Jerman of Essex	Minter of Waterbury	Till of Jericho
Jewett of Ripton	Mitchell of Barnard	Toll of Danville
Johnson of South Hero	Mook of Bennington	Waite-Simpson of Essex
Keenan of St. Albans City	Moran of Wardsboro	Webb of Shelburne
Kitzmiller of Montpelier	Mrowicki of Putney *	Weston of Burlington
Klein of East Montpelier	Nease of Johnson	Wilson of Manchester
Lanpher of Vergennes	Nuovo of Middlebury	Wizowaty of Burlington
Lenes of Shelburne	O'Brien of Richmond	Young of St. Albans City
Leriche of Hardwick	Obuchowski of Rockingham	Zenie of Colchester
Lippert of Hinesburg	Orr of Charlotte	Zuckerman of Burlington
Lorber of Burlington	Partridge of Windham	

Those who voted in the negative are:

Acinapura of Brandon	Flory of Pittsford	Morley of Barton
Adams of Hartland	Greshin of Warren	Morrissey of Bennington *
Ainsworth of Royalton	Helm of Castleton	Myers of Essex
Baker of West Rutland	Higley of Lowell	O'Donnell of Vernon
Branagan of Georgia	Hube of Londonderry	Pearce of Richford
Brennan of Colchester	Hubert of Milton	Peaslee of Guildhall
Canfield of Fair Haven	Johnson of Canaan	Perley of Enosburg
Clark of Vergennes	Kilmartin of Newport City	Reis of St. Johnsbury *
Clerkin of Hartford	Komline of Dorset	Savage of Swanton
Condon of Colchester	Krawczyk of Bennington	Scheuermann of Stowe
Corcoran of Bennington	Larocque of Barnet	South of St. Johnsbury
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	Winters of Williamstown
Fagan of Rutland City	McFaun of Barre Town	Wright of Burlington
	McNeil of Rutland Town	

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

Aswad of Burlington	Howrigan of Fairfield	Rodgers of Glover
Atkins of Winooski	Koch of Barre Town	Sweaney of Windsor
Audette of South Burlington	Larson of Burlington	Townsend of Randolph
Heath of Westford	Pugh of South Burlington	Trombley of Grand Isle

Rep. Clarkson of Woodstock explained her vote as follows:

“Mr. Speaker:

I vote yes, again, to ensure that adequate funds are available to return the Vermont site to its highest possible use as soon as possible after the closing of Vermont Yankee – whenever that may be. The possibility of waiting 60 to 100 years for an inadequately capitalized decommissioning fund to recover this site is unacceptable.”

Rep. Deen of Westminster explained his vote as follows:

“Mr. Speaker:

I would like to congratulate the chair of the Natural Resources and Energy committee for taking the steps necessary to move H. 436 to passage this year. All of our parliamentary rules allow and welcome the steps taken to reach a decision that reflects the will of the majority of the Vermont House. On behalf of my constituents I am glad we have set the requirement in law that the decommissioning fund must be fully funded .”

Rep. Morrissey of Bennington explained her vote as follows:

“Mr. Speaker:

Process, process, process!!! Shame on this legislature for not honoring due process on this important issue. What has just been allowed to happen on this floor, this evening is beyond comprehension. It is totally disrespectful to all of the conference committees who have been hard at work to honorably complete the business of the state.

We just hit an all time low, Mr Speaker!

Rep. Mrowicki of Putney explained his vote as follows:

“Mr. Speaker:

This bill protects Vermonters from supporting a bailout without oversight and giving corporate welfare to Entergy Louisiana. It ensures Vermonters don't have to cover their costs of doing business, while the profits go out of state, and that the money is there for decommissioning.

I applaud the work and time put into this over the course of the session by the Committee and the entire body.”

Rep. Reis of St. Johnsbury explained his vote as follows:

“Mr. Speaker:

We have driven another nail into the coffin of economic development in the state of Vermont.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

I vote no tonight. This amendment does everything but shut Vermont Yankee down. I also want to make sure that the decommissioning fund is fully funded. However, I can’t understand why we don’t just stop fooling around with the closure issue and take the vote that many people in this room want to take. That is whether to close the plant or not. This could have been easily accomplished tonight by striking the last eight lines of this amendment. Again, we skirt the real issue (plant closure) to give us another opportunity to coerce more money out of the plants parent company. This is wrong!”

Adjournment

At ten o'clock and twenty-five minutes in the evening, on motion of **Rep. Nease of Johnson**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.