

Journal of the House

Wednesday, January 27, 2010

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Message from the Senate No. 7

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. 515. An act relating to LIHEAP income eligibility.

And has passed the same in concurrence.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 45. Joint resolution relating to weekend adjournment.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 205. House concurrent resolution in memory of Ted Bridges.

H.C.R. 206. House concurrent resolution congratulating the 2009 Essex High School Hornets Division I championship football team.

H.C.R. 207. House concurrent resolution honoring Ski for Heat founder Martha Robertson on the event's 10th anniversary.

H.C.R. 208. House concurrent resolution honoring retired Winooski city clerk-treasurer Pauline Schmoll.

H.C.R. 209. House concurrent resolution congratulating the 2009 South Burlington High School Rebels Division I championship lacrosse team.

H.C.R. 210. House concurrent resolution congratulating RockTenn of Sheldon Springs on its receipt of the 2009 Franklin County Industrial Development.

H.C.R. 211. House concurrent resolution congratulating South Burlington High School Athletic Director Mike O'Day on his receipt of the 2009 Thomas E. Frederick Award of Excellence.

H.C.R. 212. House concurrent resolution congratulating the Great Falls Community Kitchen on its 20th anniversary.

H.C.R. 213. House concurrent resolution congratulating Craig Divis on being named the 2010 Vermont Teacher of the Year.

H.C.R. 214. House concurrent resolution congratulating Brittany Langston on her singing appearance at Fenway Park.

H.C.R. 215. House concurrent resolution congratulating Dammy Mustapha and Alisa Dupuis on winning the male and female championship, respectively, at the 2009 Knights of Columbus Decathlon and Heptathlon.

H.C.R. 216. House concurrent resolution congratulating the Yellow Barn Music School & Festival on its 40th anniversary.

H.C.R. 217. House concurrent resolution honoring Louise Thompson as the oldest resident in the village of Saxtons River.

H.C.R. 218. House concurrent resolution recognizing Nurse Anesthetists Week in Vermont.

H.C.R. 219. House concurrent resolution in memory of the American military and Central Intelligence Agency personnel who have died in the service of their nation in Iraq or Afghanistan from January 21, 2009 to December 31, 2009.

Change of Committee Chair

The Speaker announced Rep. William Botzow of Pownal replaces Rep. Warren Kitzmiller of Montpelier as Chair of the committee on Commerce and Economic Development.

Joint Resolution Adopted in Concurrence

J.R.S. 45

By Senator Shumlin,

J.R.S. 45. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 29, 2010, it be to meet again no later than Tuesday, February 2, 2010.

Was taken up read and adopted in concurrence.

Bill Read Third Time and Passed

H. 485

House bill, entitled

An act relating to the use value appraisal program

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

In Sec. 2 subsection (a) of 32 V.S.A. §3757 and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Land which has been classified as agricultural land or managed ~~forest land~~ forestland pursuant to this chapter shall be subject to a land use change tax upon the development of that land, as defined in section 3752 of this chapter. ~~Said~~ The tax shall be at the rate of ~~20~~ 10 percent of the full fair market value of the changed land determined without regard to the use value appraisal; ~~or the tax shall be at the rate of 10 percent if the owner demonstrates to the satisfaction of the director that the parcel has been enrolled continuously more than 10 years.~~ If changed land is a portion of a parcel, which portion does not to exceed two acres, transferred for the purpose of developing a housesite to an immediate family member, as that term is defined in 8 V.S.A. § 2200(7), or transferred to any relative, as that term is defined in 14 V.S.A. § 2661(5), of the owner, provided that the relative earns at least one-half of his or her income directly from farm employment by the owner, the fair market value of the changed land shall be the fair market value of the changed land prorated on the basis of acreage, divided by the common level of appraisal. ~~Such~~ For purposes of the land use change tax, fair market value shall be determined as of the date the land is no longer eligible for use value appraisal. This tax shall be in addition to the annual property tax imposed upon such property. Nothing in this section shall be construed to require payment of an additional land use change tax upon the subsequent development of the same land, nor shall it be construed to require payment of a land use change tax merely because previously eligible land becomes ineligible, provided no development of the land has occurred.

Thereupon, **Rep. Ainsworth of Royalton** asked and was granted leave of the House to withdraw his amendment and the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Konline of Dorset** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass? was decided in the affirmative. Yeas, 104. Nays, 34.

Those who voted in the affirmative are:

Acinapura of Brandon	Haas of Rochester	Minter of Waterbury
Ancel of Calais	Heath of Westford	Mook of Bennington
Andrews of Rutland City	Helm of Castleton	Moran of Wardsboro
Aswad of Burlington	Higley of Lowell	Nease of Johnson *
Atkins of Winooski	Hooper of Montpelier	Nuovo of Middlebury
Bissonnette of Winooski	Howard of Rutland City	O'Brien of Richmond
Bohi of Hartford	Jerman of Essex	Obuchowski of Rockingham
Botzow of Pownal	Jewett of Ripton	Orr of Charlotte
Branagan of Georgia *	Johnson of South Hero	Partridge of Windham
Bray of New Haven	Johnson of Canaan	Pearce of Richford
Burke of Brattleboro	Keenan of St. Albans City	Pellett of Chester
Cheney of Norwich	Kitzmiller of Montpelier	Perley of Enosburg
Clarkson of Woodstock *	Klein of East Montpelier	Pugh of South Burlington
Condon of Colchester	Koch of Barre Town	Ram of Burlington
Conquest of Newbury	Krawczyk of Bennington	Rodgers of Glover
Consejo of Sheldon	Krebs of South Hero	Shand of Weathersfield
Copeland-Hanzas of Bradford	Larson of Burlington	Sharpe of Bristol
Corcoran of Bennington	Lawrence of Lyndon	Smith of Mendon
Courcelle of Rutland City	Lenes of Shelburne	South of St. Johnsbury
Crawford of Burke	Leriche of Hardwick	Stevens of Waterbury
Deen of Westminster	Lippert of Hinesburg	Stevens of Shoreham
Donovan of Burlington	Lorber of Burlington	Sweaney of Windsor
Edwards of Brattleboro	Macaig of Williston	Taylor of Barre City
Emmons of Springfield	Maier of Middlebury	Till of Jericho
Evans of Essex	Malcolm of Pawlet	Toll of Danville
Fagan of Rutland City	Manwaring of Wilmington	Waite-Simpson of Essex
Fisher of Lincoln	Marek of Newfane	Webb of Shelburne
Frank of Underhill	Martin of Springfield	Weston of Burlington
French of Shrewsbury	Martin of Wolcott	Wilson of Manchester
French of Randolph	Masland of Thetford	Winters of Williamstown
Geier of South Burlington	McAllister of Highgate	Wizowaty of Burlington
Gilbert of Fairfax	McCullough of Williston	Wright of Burlington
Grad of Moretown	McFaun of Barre Town	Young of St. Albans City
Greshin of Warren	Milkey of Brattleboro	Zenie of Colchester
	Miller of Shaftsbury	Zuckerman of Burlington *

Those who voted in the negative are:

Adams of Hartland	Canfield of Fair Haven	Dickinson of St. Albans Town
Ainsworth of Royalton	Clark of Vergennes	Donaghy of Poultney
Baker of West Rutland	Clerkin of Hartford	Donahue of Northfield *
Brennan of Colchester	Devereux of Mount Holly	Howard of Cambridge
Browning of Arlington *		

Howrigan of Fairfield	McNeil of Rutland Town	Reis of St. Johnsbury
Hubert of Milton	Morley of Barton	Savage of Swanton
Kilmartin of Newport City *	Morrissey of Bennington *	Scheuermann of Stowe
Komline of Dorset	Myers of Essex	Shaw of Pittsford
Lewis of Derby	O'Donnell of Vernon	Townsend of Randolph
Marcotte of Coventry	Olsen of Jamaica	Turner of Milton
McDonald of Berlin	Peaslee of Guildhall	Wheeler of Derby

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

Audette of South Burlington	Larocque of Barnet	Poirier of Barre City
Davis of Washington	Mitchell of Barnard	Potter of Clarendon
Head of South Burlington	Mrowicki of Putney	Spengler of Colchester
Lanpher of Vergennes	Peltz of Woodbury	

Rep. Potter of Clarendon abstained per rule 75.

Rep. Branagan of Georgia explained her vote as follows:

“Mr. Speaker:

We are in a significant financial crisis. We simply cannot continue government as usual. This bill limits the continued growth of government and saves \$1.6 million doing it. We still have a long way to go.”

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

This bill imposes the burden of cost savings on a small number of applicants. I think we should have found a way to share that burden among program participants. A state subsidy or benefit should be adjusted according to ability to pay. As this program is currently structured, there is no way to do this.”

Rep. Clarkson of Woodstock explained her vote as follows:

“Mr. Speaker:

H. 485 makes important changes to current use – a program which is critically important to the conservation and economy of Vermont – which maintains its integrity and helps ensure its sustainability.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

Deferring costs for a year does little to address a multi-year fiscal crisis; it is just an easy way out for now.”

Rep. Nease of Johnson explained his vote as follows:

“Mr. Speaker:

I voted yes. It is important to note that in this bill we solved only one one-hundredth of the \$150 million dollar challenge that we have before us. I would remind those who have been saying that we need to make hard choices this year, who also voted ‘no’ on this bill, a bill that passed two committees with unanimous votes. It only gets harder from here.”

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

“Mr. Speaker:

I vote no. This is a permanent tax increase, an illusory “one time” benefit and a failure to address the misuse of current use to cause hardworking Vermonters to pay the taxes of the wealthy, including many out of staters, with no real and direct benefit to those who live and work in Vermont. The cost shift is in many cases from those most able to pay, to those least able to pay. It has not saved farms and certainly has not saved the logging and wood industry. It is inequitable.”

Rep. Morrissey of Bennington explained her vote as follows:

“Mr. Speaker:

The Ways and Means committee based their \$1.6 million savings on several hundred. Today, in the thirteenth hour, House members are told on the floor that it could effect between 750 to 1,000 applicants for the current use program.

One can only wonder, what are the real savings and what will be the real long term effects to the program?”

Rep. Zuckerman of Burlington explained his vote as follows:

“Mr. Speaker:

This bill costs those enrolled for the long run no more money. There is no cost shift. Those enrolled will see no difference in their annual property tax bills.

False statements for political purpose does a disservice to this program which is the heart of Vermont’s working landscape.”

Adjournment

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