

Journal of the House

Thursday, April 15, 2010

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

Devotional Exercises

Devotional exercises were conducted by Pastor Betty Edson of United Church of Christ, Randolph, Vt.

Bill Referred to Committee on Appropriations

S. 268

Senate bill, entitled

An act relating to the building bright futures council

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Joint Resolution Referred to Committee

J.R.S. 47

By Senators Sears and Hartwell,

J.R.S. 47. Joint resolution strongly urging the Republic of Turkey to recognize the right to religious freedom for all its residents and to end all discriminatory policies directed against the Ecumenical Patriarchate of the Orthodox Church.

Whereas, the Ecumenical Patriarch Bartholomew is the spiritual leader of 300 million Orthodox Christians, is the 269th direct successor of the Apostle Andrew, and heads the second largest church in Christianity, and

Whereas, in the 6th century, the undivided Christian Church bestowed the titles Ecumenical Patriarch and Ecumenical Patriarchate on the Patriarch of Constantinople, and these titles are exclusively spiritual and were never intended to confer any political or secular governance rights in the city of Constantinople (now Istanbul) on the Ecumenical Patriarchate, and

Whereas, since the formation of the Republic of Turkey in 1923, that nation has repeatedly and illegally adopted repressive discriminatory policies against the Ecumenical Patriarchate, including its conduct of religious governance, operation of institutions such as schools and orphanages, and ownership of property, and

Whereas, in 1923, and again in 1970, the Republic of Turkey imposed severe limitations on the fundamental spiritual existence and continuance of the Ecumenical Patriarchate, requiring that both the individual elected to this office, and the Hierarchs (the Metropolitans and Archbishops who elect him) be Turkish citizens, and

Whereas, only 15 of the 40 Hierarchs worldwide in Christian Orthodoxy reside in Turkey, and only two deacons and two priests now working for the Ecumenical Patriarchate are in a position to replace the Hierarchs in the future, and

Whereas, not only is the election of the Ecumenical Patriarch an exclusively spiritual matter that should be totally outside the authority of the Republic of Turkey, but the majority of Orthodox Christians and their religious leaders reside outside Turkey, and

Whereas, the Ecumenical Patriarchate is the first church of Orthodox Christianity worldwide, not just in Turkey, is responsible for worldwide coordination of pan-Orthodox Christian affairs, and serves as the spiritual center for 300 million Orthodox Christians, and

Whereas, in 1971, the government of the Republic of Turkey illegally closed the Theological School of Halki, and

Whereas, the Treaty of Lausanne, signed in 1923, was intended to assure the rights of minorities in Turkey, but the Ecumenical Patriarchate, even though it has existed in Turkey for 1,700 years, lacks any legal status, and

Whereas, a direct corollary of the Ecumenical Patriarchate's lack of legal status in Turkey is a governmental prohibition on its owning property, forcing the creation of an independent minority foundation to own and manage church-related buildings that in normal circumstances would be church-owned, and

Whereas, even with this substitute ownership system, the government confiscation of church-related properties is continuing, and

Whereas, a proposed new law on minority foundations' property rights has involved great secrecy and greatly concerns the Ecumenical Patriarchate, and

Whereas, even the ownership of churches has now been threatened because there are insufficient numbers of church members residing in the immediate area of a church, and

Whereas, the Republic of Turkey's refusal to grant work permits to foreigners has greatly impeded the daily activities of the Ecumenical Patriarchate, forcing clergy and lay individuals to leave the country regularly and reapply for admission, and

Whereas, in 2005, a panel of leading Christian and Jewish clergy testified before the congressional Helsinki Commission on the threat to Orthodox Christianity because of the Republic of Turkey's denial of the Ecumenical Patriarchate's basic human rights, and

Whereas, a record number of cosponsors supported the awarding of the Congressional Gold Medal to Ecumenical Patriarch Bartholomew, an award which has a distinguished historic recipient list, and

Whereas, the Republic of Turkey is seeking admission to the European Union, and refusing to grant human and legal rights to the Ecumenical Patriarchate is contrary to the EU-Turkey 2003 Accession Partnership, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly strongly urges the Republic of Turkey to recognize the right to religious freedom for all its residents and to end all discriminatory policies directed against the Ecumenical Patriarchate of the Orthodox Church, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Embassy of the Republic of Turkey in Washington, D.C., the Order of Saint Andrew the Apostle Archons of the Ecumenical

Which was read and, in the Speaker's discretion, treated as a bill and referred to the Committee on General, Housing and Military Affairs.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 782

Rep. Branagan of Georgia moved that the committee on Ways and Means be relieved of House bill, entitled

An act relating to a voluntary school district merger incentive program, supervisory union duties, and other education issues

And that the bill be committed to the committee on Education, which was agreed to.

**Senate Proposal of Amendment Concurred in with a
Further Amendment Thereto**

H. 765

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

An act relating to establishing the Vermont agricultural innovation authority

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

Sec. 1. 6 V.S.A. §§ 2961 and 2962 are amended and §§ 2962a and 2962b are added to read:

§ 2961. ~~CREATION OF AGRICULTURAL DEVELOPMENT COMMISSION~~ DEFINITIONS

~~(a) There is established within the agency of agriculture, food and markets the agricultural development commission, which shall be composed of the secretary of agriculture, food and markets, commissioner of forests, parks and recreation or his designee, the director of extension service, and director of research at the University of Vermont or their designees and four members appointed by the governor from a list of ten names, five to be submitted to him by the committee on agriculture of the house and five to be submitted to him by the committee on agriculture of the senate. The public members shall be appointed for terms of two years. The secretary of agriculture, food and markets shall be chairman.~~

~~(b) The commission shall be attached to the agency of agriculture, food and markets for administrative support. In addition, the commission may use the services and staff of any department to assist it in the performance of its duties. The secretary of agriculture, food and markets may appoint a person from within the agency of agriculture, food and markets to serve as executive director to the commission.~~

~~(c) Public members of the commission shall receive \$30.00 per diem and necessary expenses incurred while in the performance of their duties As used in this subchapter:~~

~~(1) “Center” means the Vermont agricultural innovation center.~~

~~(2) “Value-added agricultural product” means any agricultural commodity or product that has been changed, produced, or segregated such that the market for the product has expanded and where the greater portion of the revenue derived from the value-added activity accrues to the producer of the commodity or product.~~

§ 2962. ~~COMMISSION; POWERS AND DUTIES~~ ESTABLISHMENT OF VERMONT AGRICULTURAL INNOVATION CENTER

~~The commission may develop policies and recommend procedures for the implementation of coordinated educational, regulatory, research and promotional programs in agriculture. In addition, the commission may:~~

~~(1) Develop a five year continuing agriculture development program for the state which shall be updated biennially;~~

~~(2) Encourage lending institutions to expand their agricultural lending activities;~~

~~(3) Identify those institutional forces which impede agricultural expansion and make recommendations for the removal of those impediments;~~

~~(4) Assist individuals and organizations in their agricultural efforts;~~

~~(5) Make recommendations to the agency of agriculture, food and markets and the agricultural experiment station on areas where research might prove most beneficial to agriculture in Vermont;~~

~~(6) [Repealed.]~~ (a) The Vermont agricultural innovation center is hereby established.

(b) The Vermont agricultural innovation center shall be administered by a board consisting of 13 members with no more than four members representing in a primary capacity any one agricultural sector. The board shall comprise the following:

(1) The secretary of agriculture, food and markets, who shall serve as chair; and

(2) The following four members appointed by the governor: One member from each of the four highest grossing commodities produced in Vermont as determined on the basis of annual gross cash sales. These four commodity groups presently include the dairy industry, the maple industry, the livestock, and the produce industry;

(3) The following eight members appointed by the speaker of the house and the president pro tempore of the senate:

(A) One representative from each of the two largest membership-based agricultural organizations in Vermont;

(C) Six members with knowledge of or experience in the production or marketing of value-added agricultural products.

(c) The Vermont agricultural innovation center's powers are vested in the board, and a quorum shall consist of seven members. No action of the board shall be considered valid unless the action is supported by a majority vote of the members present and voting and then only if at least seven members vote in favor of the action.

(d) Members of the board shall be appointed for staggered terms of three years. Any vacancy occurring among the members of the board shall be filled by the governor for the unexpired portion of the term. A board member may be reappointed, but no member, except the secretary of agriculture, food and markets, may serve for more than six consecutive years.

(e) Board members whose membership is not supported by their employer or association may receive per diem and reimbursement for travel as provided in 32 V.S.A. § 1010 to the extent that funds are available.

§ 2962a. PURPOSE; POWERS AND DUTIES

(a) To achieve the purposes of this subchapter, the Vermont agricultural innovation center shall:

(1) Promote agriculture and the business of agriculture in Vermont, including the production or marketing of value-added agricultural products.

(2) Coordinate with federal and state agencies and private sources to make financial resources available to the center for distribution of financial assistance for the promotion of agriculture, including the production or marketing of value-added agricultural products.

(3) Administer federal grant monies for the production or marketing of value-added agricultural products. Grant monies shall be administered in accordance with their terms which may include:

(A) Technical assistance, including technical, engineering, and product research services;

(B) Assistance in marketing, market development, and business planning, including advisory services with respect to leveraging capital assets;

(C) Organizational, outreach, and development assistance to increase the viability, growth, and sustainability of businesses engaged in the production or marketing of value-added agricultural products;

(D) Studies that analyze the feasibility of facilities, including processing facilities, for use by potential producers or marketers of value-added products in order to determine the size that optimizes construction and other cost efficiencies.

(b) The agricultural innovation center may:

(1) consult, contract, or coordinate with the Vermont economic development authority or other agricultural funders to provide financial assistance for purposes authorized by this subchapter;

(2) support the establishment of partnerships for the promotion and development of agriculture in the state, including the production or marketing of value-added agricultural products;

(3) support local initiatives to produce or market value-added agricultural products;

(4) pursue and coordinate access to regional and local revolving loan funding and all state, federal, and private funding that is available for the development of agriculture and value-added agricultural products;

(5) receive and accept grants, gifts, loans, or contributions from any source subject to the provisions of 32 V.S.A. § 5;

(6) use the services and staff of the agency of agriculture, food and markets to assist in the performance of the center's duties with the concurrence of the secretary of agriculture, food and markets;

(7) contract for support, technical, or other professional services necessary to complete the work of the center.

§ 2962b. INTERAGENCY COOPERATION AND ASSISTANCE

Other departments and agencies of state government shall assist and cooperate with the center and shall make available to it information and data as needed to assist the center in carrying out its duties. Nothing in this section shall be construed to waive any privilege or protection otherwise afforded to the data and information under exemptions to the public records act or under other laws due solely to the fact that the information or data are shared with the center pursuant to this section.

Sec. 2. RECODIFICATION

6 V.S.A. chapter 162 is recodified as follows:

(1) §§ 2961–2962b shall be subchapter 1 which is added to read:

Subchapter 1. Vermont Agricultural Innovation Center

(2) §§ 2963–2965 shall be subchapter 2 which is added to read:

Subchapter 2. Generally

Sec. 3. EFFECTIVE DATE

This act shall take effect January 15, 2011.

And that after passage of the bill the title of the bill be amended to read as follows:

An act relating to establishing the Vermont agricultural innovation center.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Malcolm of Pawlet** moved to concur in the Senate proposal of amendment with a further amendment thereto as follows::

First: In Sec. 1, 6 V.S.A. § 2962, in subdivision (b)(2), by inserting “industry” after “livestock”

Second: In Sec. 1, 6 V.S.A. § 2962, in subdivision (b)(3), by striking “president pro tempore” and inserting in lieu thereof “committee on committees”

Third: In Sec. 1, 6 V.S.A. § 2962, in subdivision (b)(3), by relettering “(C)” to “(B)”

Fourth: In Sec. 1, 6 V.S.A. § 2962, by striking subsection (d) in its entirety and inserting a new subsection (d) to read:

(d) Any vacancy occurring among the members of the board shall be filled by the respective appointing authority pursuant to this section. A board member may be reappointed, provided that no board member, except the secretary of agriculture, food and markets, may serve more than two consecutive three-year terms. Each member of the board shall serve a three-year term, except:

(1) the governor shall appoint initially one member to a one-year term, one member to a two-year term, and two members to a three-year term;

(2) the speaker of the house shall appoint initially two members to a one-year term, one member to a two-year term, and one member to a three-year term; and

(3) the committee on committees shall appoint initially one member to a one-year term, two members to a two-year term, and one member to a three-year term.

Which was agreed to.

Message from the Senate No. 35

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. 408. An act relating to improving nutrition programs.

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

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

H. 773. An act relating to approval of amendments to the charter of the city of Burlington.

And has passed the same in concurrence.

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

S. 28. An act relating to the regulation of landscape architects.

And has concurred therein.

Bill Read Second Time; Consideration Interrupted by Recess

H. 792

Rep. Larson of Burlington spoke for the committee on Appropriations on House bill, entitled

An act relating to implementation of challenges for change

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

Pending the question, Shall the bill be read the third time? **Rep. Larson of Burlington** moved to amend the bill as follows:

First: In Sec. 17, by striking out the last sentence.

Second: In Sec. 55, by striking out “§ 2809(d)” and inserting in lieu thereof “§ 2809”.

Third: In Sec. 64, in subsection (a), in the third sentence, by striking out “that the joint committee on government accountability (GAC) vote against acceptance of the administration’s current proposal and request”; and in that same sentence, by striking out “the secretary of administration revise and resubmit a proposal” and inserting in lieu thereof “the secretary of administration submit a revised proposal”;

and in subsection 64(a)(1), by striking out “and implement”, and before the period, by inserting “to be implemented as soon as practicable”

Fourth: By striking out Sec. 66 and inserting a new Sec. 66 to read:

Sec. 66. Sec. 10(a) of No. 206 of the Acts of 2008 is amended to read:

(a) Sec. 5 of this act shall be repealed on July 1, ~~2013~~ 2010.

Fifth: By adding subsections 68(1) and (2) to read:

(1) This Sec. 68 and Secs. 1 (legislative intent), 23 (creation of clinical utilization review board), 64 (economic development), and 67 (quarterly reporting) shall take effect upon passage.

(2) Sec. 63 (waterfowl stamp) shall take effect January 1, 2011.

and by renumbering the remaining subsections of Sec. 68 to be numerically correct.

Recess

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

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

Consideration Resumed; Bill Amended and Third Reading Ordered

H. 792

Consideration resumed on House bill, entitled

An act relating to implementation of challenges for change;

The recurring question, Shall the bill be amended as recommended by Rep. Larson of Burlington? was agreed to.

Pending the question, Shall the bill be read a third time? **Reps Olsen of Jamaica, McDonald of Berlin, O'Donnell of Vernon, Adams of Hartland, Ainsworth of Royalton, Baker of West Rutland, Branagan of Georgia, Brennan of Colchester, Canfield of Fair Haven, Clark of Vergennes, Clerkin of Hartford, Crawford of Burke, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Fagan of Rutland City, Higley of Lowell, Howard of Cambridge, Hubert of Milton, Johnson of Canaan, Kilmartin of Newport City, Koch of Barre Town, Komline of Dorset, Krawczyk of Bennington, Larocque of Barnet, Lawrence of Lyndon, Lewis of Derby, Marcotte of Coventry, McAllister of Highgate, McFaun of Barre Town, McNeil of Rutland Town, Morley of Barton, Morrissey of Bennington, Myers of Essex, Pearce of Richford, Peaslee of Guildhall, Perley of Enosburg, Reis of St. Johnsbury, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Turner of Milton, Wheeler of Derby and Wright of Burlington** moved to amend the bill as follows:

By renumbering Sec. 68 as Sec. 69 and inserting a new Sec. 68 to read:

Sec. 68. RECONVENING OF THE GENERAL ASSEMBLY

This act and the Challenges for Change Act both accomplish significant progress toward redesigning how government services will be provided to achieve required outcomes, through long-term strategic planning, while spending less money. However, the \$38 million savings assumed in the budget in H. 789 as passed by the House will not be achieved by implementation of

the proposals offered to date. It is estimated that there may need to be an additional savings of approximately \$20 million. To ensure that the general assembly has the opportunity to analyze the cost-savings proposals in detail and is fully accountable for any decisions with respect to implementation of the proposals and to ensure that the committees of jurisdiction and the joint legislative government accountability committee have sufficient time to analyze, adjust, and finalize the proposals, the general assembly when it initially adjourns from its 2010 session shall not adjourn sine die, but shall instead adjourn to June 15, 2010, to take any necessary legislative action to approve and implement further proposals in accordance with the Challenges for Change Act and this act to save the additional \$20 million in fiscal year 2011. Any committee of jurisdiction may meet at any time before June 15, 2010, for the purposes in this section, at the call of the chair.

Pending the question, Shall the House amend the bill as recommended by Reps. Olsen of Jamaica, et al? **Reps. Nease of Johnson and Leriche of Hardwick** moved to substitute an amendment for that offered by Reps. Olson of Jamaica, et al as follows:

First: In Sec. 67, at the end of subsection (c), by inserting “The administration shall engage the direct participation of service recipients, their families, service providers, and other stakeholders, to develop additional Challenges that will meet in full the outcomes and fiscal goals of the Challenges for Change Act and this act, and include a report of these additional Challenges in its July, 2010, quarterly report.”

Second: By renumbering Sec. 68 as Sec. 69 and inserting a new Sec. 68 to read:

Sec. 68. RECONVENING OF THE GENERAL ASSEMBLY

This act and the Challenges for Change Act both accomplish significant progress toward redesigning how government services will be provided to achieve required outcomes, through long-term strategic planning, while spending less money. However, the \$38 million savings assumed in the budget in H. 789 as passed by the House will not be achieved by implementation of the proposals offered to date. To ensure that the general assembly has the opportunity to analyze further redesign proposals in detail, the general assembly when it initially adjourns from its 2010 session shall not adjourn sine die, but shall instead adjourn to July 22, 2010, to review any further proposals and take action on any proposed statutory changes consistent with the Challenges for Change Act and this act. The July revenue forecast provided in accordance with 32 V.S.A. § 305A shall be completed on or before July 20, 2010. Any committee of jurisdiction may meet at any time before July 22,

2010, for the purposes in this section, with the appropriate approval of the speaker of the house or the president pro tempore, and at the call of its chair.

Pending the question, Shall the amendment offered by Reps. Nease of Johnson and Leriche of Hardwick be substituted for the amendment offered by Rep. Olsen of Jamaica et al? **Rep. Nease of Johnson** 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 Reps. Nease of Johnson and Leriche of Hardwick be substituted for the amendment offered by Rep. Olsen of Jamaica et al? was decided in the affirmative. Yeas, 130. Nays, 12.

Those who voted in the affirmative are:

Acinapura of Brandon	French of Shrewsbury	Marcotte of Coventry
Adams of Hartland	French of Randolph	Marek of Newfane
Ainsworth of Royalton	Gilbert of Fairfax	Martin of Springfield
Ancel of Calais	Grad of Moretown	Martin of Wolcott
Andrews of Rutland City	Greshin of Warren	Masland of Thetford
Aswad of Burlington	Haas of Rochester	McCullough of Williston
Atkins of Winooski	Head of South Burlington	McDonald of Berlin
Baker of West Rutland	Heath of Westford	McFaun of Barre Town
Bissonnette of Winooski	Helm of Castleton	Milkey of Brattleboro
Bohi of Hartford	Hooper of Montpelier	Miller of Shaftsbury
Botzow of Pownal	Howard of Rutland City	Minter of Waterbury
Branagan of Georgia	Howrigan of Fairfield	Mitchell of Barnard
Bray of New Haven	Jerman of Essex	Mook of Bennington
Browning of Arlington	Johnson of South Hero	Moran of Wardsboro
Burke of Brattleboro	Johnson of Canaan	Morley of Barton
Canfield of Fair Haven	Keenan of St. Albans City	Morrissey of Bennington
Cheney of Norwich	Kilmartin of Newport City	Mrowicki of Putney
Clark of Vergennes	Kitzmiller of Montpelier	Myers of Essex
Clarkson of Woodstock	Klein of East Montpelier	Nease of Johnson
Clerkin of Hartford	Koch of Barre Town	Nuovo of Middlebury
Conquest of Newbury	Komline of Dorset	O'Brien of Richmond
Consejo of Sheldon	Krawczyk of Bennington	Obuchowski of Rockingham
Copeland-Hanzas of Bradford	Krebs of South Hero	O'Donnell of Vernon
Courcelle of Rutland City	Lanpher of Vergennes	Olsen of Jamaica
Davis of Washington	Larocque of Barnet	Orr of Charlotte
Deen of Westminster	Larson of Burlington	Partridge of Windham
Dickinson of St. Albans Town	Lawrence of Lyndon	Pearce of Richford
Donovan of Burlington	Lenes of Shelburne	Peaslee of Guildhall
Edwards of Brattleboro	Leriche of Hardwick	Pellett of Chester
Emmons of Springfield	Lewis of Derby	Peltz of Woodbury
Evans of Essex	Lippert of Hinesburg	Perley of Enosburg
Fagan of Rutland City	Lorber of Burlington	Poirier of Barre City
Fisher of Lincoln	Macaig of Williston	Potter of Clarendon
Frank of Underhill	Maier of Middlebury	Pugh of South Burlington
	Malcolm of Pawlet	Ram of Burlington
	Manwaring of Wilmington	Reis of St. Johnsbury

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

Those who voted in the negative are:

Brennan of Colchester	Donahue of Northfield	McAllister of Highgate
Corcoran of Bennington	Higley of Lowell	Rodgers of Glover
Devereux of Mount Holly	Howard of Cambridge	Shaw of Pittsford
Donaghy of Poultney	Hubert of Milton	Turner of Milton

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

Audette of South Burlington	Geier of South Burlington	Scheuermann of Stowe
Condon of Colchester	Jewett of Ripton	
Crawford of Burke	McNeil of Rutland Town	

Thereupon, the recommendation of amendment offered by Reps. Nease and Leriche of Hardwick was agreed to.

Pending the question, Shall the bill be read a third time? , **Rep. Ancel of Calais** moved to amend the bill as follows:

First: In Sec. 67, by striking out the first sentence in subsection (b), and by inserting a new subsection (c) to read: “(c) The governor, in achieving the outcomes and associated savings under this act and the Challenges for Change Act, may not reduce government benefits or limit benefit eligibility; and may not reduce personnel unless the personnel reduction is a direct consequence of achieving the required outcomes under the Challenges plan.”

and by relettering the remaining subsections to be alphabetically correct.

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Emmons of Springfield** moved to amend the bill as follows:

First: In Sec. 29, in the first sentence, following the words “It is the intent of the general assembly that” by inserting “a portion of the” and following “the provisions of this act” by inserting “and the provisions of S.292 as enacted”

Second: By striking Sec. 30 in its entirety and inserting in lieu thereof a new Sec. 30 to read:

Sec. 30. 13 V.S.A. § 7030 is amended to read:

§ 7030. SENTENCING ALTERNATIVES

(a) In determining which of the following should be ordered, the court shall consider the nature and circumstances of the crime, the history and character of the defendant, the need for treatment, and the risk to self, others and the community at large presented by the defendant:

(1) A deferred sentence pursuant to section 7041 of this title.

(2) Referral to a reparative board pursuant to chapter 58 of Title 24 and chapter 12 of Title 28 in the case of an offender who has pled guilty to a nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited in 24 V.S.A. § 1967. The offender shall return to court for further sentencing if the reparative board does not accept the case or if the offender fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board.

(3) Probation pursuant to ~~section 28 V.S.A. § 205 of Title 28.~~

~~(3)~~(4) Supervised community sentence pursuant to ~~section 28 V.S.A. § 352 of Title 28.~~

~~(4)~~(5) Sentence of imprisonment.

(b) When ordering a sentence of probation, the court may require participation in the restorative justice program established by chapter 12 of Title 28 as a condition of the sentence.

Third: By striking Sec. 31 in its entirety and inserting in lieu thereof a new Sec. 31 to read:

Sec. 31. RESTORATIVE JUSTICE; STATE'S ATTORNEYS; POLICE;
DEPARTMENT OF CORRECTIONS; COURT
ADMINISTRATOR'S OFFICE; DEPARTMENT OF PUBLIC
SAFETY; PLAN

(a) In 1999, in 28 V.S.A. § 2a, the general assembly clearly established as state policy that the principles of restorative justice shall be included in shaping how the criminal justice system responds to persons charged with or convicted of criminal offenses. The general assembly now finds that many communities have made effective use of restorative justice through community justice centers, diversion, and other innovative municipal programs but that much more could be done with a resultant decrease in recidivism and cost to Vermont taxpayers.

(b) On or before September 1, 2010, the department of corrections, the department of state's attorneys and sheriffs, the department of public safety, the court administrator's office, and the Vermont association of chiefs of

police shall jointly report to the corrections oversight committee on what can be done in each county to reduce the need for correctional services through increased use of restorative justice programs, diversion, and other innovative municipal programs. The departments and association shall show how recommended strategies could lead to an increase in use of restorative justice programs, diversion, and innovative municipal programs and at least a ten-percent decrease in nonviolent offenders entering the corrections system.

Fourth: In Sec. 32, by striking the Sec. in its entirety and inserting in lieu thereof:

Sec. 32. DEPARTMENT OF CORRECTIONS; FACILITIES CLOSING

In fiscal year 2011, the department of corrections shall not close or substantially reduce services at a correctional facility or field office.

Which was agreed to.

Pending the question, Shall the bill be read a third time? **Reps. Poirier of Barre City, Taylor of Barre City, McDonald of Berlin, Andrews of Rutland City, Atkins of Winooski, Audette of South Burlington, Baker of West Rutland, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Brennan of Colchester, Consejo of Sheldon, Corcoran of Bennington, Courcelle of Rutland City, Dickinson of St. Albans Town, Fagan of Rutland City, Howard of Rutland City, Kilmartin of Newport City, Koch of Barre Town, Krawczyk of Bennington, Martin of Wolcott, McFaun of Barre Town, McNeil of Rutland Town, Mook of Bennington, Morrissey of Bennington, O'Donnell of Vernon, Perley of Enosburg, Pugh of South Burlington, Reis of St. Johnsbury, Savage of Swanton, South of St. Johnsbury, Wheeler of Derby and Wright of Burlington** moved to amend the bill as follows:

First: In Sec. 29, "BUDGETARY SAVINGS; ALLOCATIONS IN FISCAL YEAR 2011", in the second sentence before the colon, by striking "as follows" and inserting in lieu thereof:

"as described in this section. For expenditures under subdivisions 1, 3, and 5 of this sec., the department shall give priority to projects located in communities in which the percentage of persons under custody of the commissioner of corrections exceeds two and one-half percent of the population"

Second: Following Sec. 29, by adding a new Sec. 29a to read:

Sec. 29a. 28 V.S.A. §102(b)(16) and (c)(22) are added to read:

(16) To release incarcerated offenders into a community on probation, parole or furlough pursuant to this title. However:

(A) At any time that the total number of persons reentering the community from incarceration on probation, parole or furlough, including both former residents and former nonresidents, who reside in a municipality exceeds two percent of the population according to the most recent census, the commissioner shall release from incarceration to the community only persons who resided there prior to arrest, or have family ties or other connections there. A decision as to whether the person resided in the community prior to arrest shall be made by the commissioner and his or her decision shall be final. The commissioner shall strive to ensure that no more than two percent of the population of any community shall be made up of persons reentering the community from incarceration on probation, furlough or parole.

(B) If the 12-month average unemployment rate for the preceding calendar year for a municipality in which the offender is to be released exceeds the 12-month statewide average unemployment rate for the preceding calendar year, the commissioner shall ensure, to the extent possible, that a work crew or other work opportunity is available for the offender.

(22) To notify local and state law enforcement officers of the following information regarding a person released from incarceration on probation, parole or furlough and residing in the community: name; address; conditions imposed by the court, parole board, or commissioner; and the reason for placing the person in that community.

Pending the question, Shall the bill be amended as offered by Reps. Poirier of Barre City, et al? **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 amended as offered by Reps. Poirier of Barre City, et al? was decided in the affirmative. Yeas, 111. Nays, 29.

Those who voted in the affirmative are:

Acinapura of Brandon	Burke of Brattleboro	Evans of Essex
Adams of Hartland	Clarkson of Woodstock	Fagan of Rutland City
Ainsworth of Royalton	Clerkin of Hartford	Frank of Underhill
Ancel of Calais	Conquest of Newbury	French of Shrewsbury
Andrews of Rutland City	Consejo of Sheldon	French of Randolph
Aswad of Burlington	Copeland-Hanzas of	Gilbert of Fairfax
Atkins of Winooski	Bradford	Grad of Moretown
Baker of West Rutland	Corcoran of Bennington	Greshin of Warren
Bissonnette of Winooski	Courcelle of Rutland City	Haas of Rochester
Bohi of Hartford	Davis of Washington	Head of South Burlington
Botzow of Pownal	Devereux of Mount Holly	Heath of Westford
Branagan of Georgia	Dickinson of St. Albans	Helm of Castleton
Bray of New Haven	Town	Hooper of Montpelier
Brennan of Colchester	Donovan of Burlington	Howard of Cambridge
Browning of Arlington	Emmons of Springfield	Howard of Rutland City

Howrigan of Fairfield	McCullough of Williston	Pugh of South Burlington
Jerman of Essex	McDonald of Berlin	Reis of St. Johnsbury
Johnson of South Hero	McFaun of Barre Town	Rodgers of Glover
Keenan of St. Albans City	Milkey of Brattleboro	Savage of Swanton
Kilmartin of Newport City	Miller of Shaftsbury	Shand of Weathersfield
Koch of Barre Town	Minter of Waterbury	Sharpe of Bristol
Krawczyk of Bennington	Mitchell of Barnard	Shaw of Pittsford
Krebs of South Hero	Mook of Bennington	Smith of Mendon
Larson of Burlington	Moran of Wardsboro	South of St. Johnsbury
Lawrence of Lyndon	Morrissey of Bennington	Spengler of Colchester
Lenes of Shelburne	Myers of Essex	Stevens of Waterbury
Leriche of Hardwick	Nease of Johnson	Stevens of Shoreham
Lippert of Hinesburg	Nuovo of Middlebury	Sweaney of Windsor
Macaig of Williston	Obuchowski of Rockingham	Taylor of Barre City
Maier of Middlebury	O'Donnell of Vernon	Till of Jericho
Malcolm of Pawlet	Orr of Charlotte	Townsend of Randolph
Manwaring of Wilmington	Partridge of Windham	Waite-Simpson of Essex
Marcotte of Coventry	Pearce of Richford	Wheeler of Derby
Marek of Newfane	Pellet of Chester	Wilson of Manchester
Martin of Springfield	Peltz of Woodbury	Wright of Burlington
Martin of Wolcott	Perley of Enosburg	Young of St. Albans City
Masland of Thetford	Poirier of Barre City	Zenie of Colchester
McAllister of Highgate	Potter of Clarendon	

Those who voted in the negative are:

Canfield of Fair Haven	Johnson of Canaan	O'Brien of Richmond
Cheney of Norwich	Kitzmiller of Montpelier	Olsen of Jamaica
Clark of Vergennes	Klein of East Montpelier	Peaslee of Guildhall
Deen of Westminster	Komline of Dorset	Toll of Danville
Donaghy of Poultney	Lanpher of Vergennes	Turner of Milton
Donahue of Northfield	Larocque of Barnet	Webb of Shelburne
Edwards of Brattleboro	Lewis of Derby	Weston of Burlington *
Fisher of Lincoln	Lorber of Burlington	Winters of Williamstown
Higley of Lowell	Morley of Barton	Zuckerman of Burlington
Hubert of Milton	Mrowicki of Putney	

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

Audette of South Burlington	Geier of South Burlington	Ram of Burlington
Condon of Colchester	Jewett of Ripton	Scheuermann of Stowe
Crawford of Burke	McNeil of Rutland Town	Wizowaty of Burlington

Rep. Weston of Burlington explained her vote as follows:

“Mr. Speaker:

I vote no out of concern that this body is attempting to geographically limit a population that it may deem undesirable. This is one step down a very slippery slope.”

Pending the question, Shall the bill be read a third time? **Rep. Larson 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 bill be read a third time? was decided in the affirmative. Yeas, 98. Nays, 43.

Those who voted in the affirmative are:

Acinapura of Brandon	Johnson of South Hero	Myers of Essex *
Ancel of Calais	Keenan of St. Albans City	Nease of Johnson
Andrews of Rutland City	Kilmartin of Newport City *	Nuovo of Middlebury
Atkins of Winooski	Kitzmiller of Montpelier	O'Brien of Richmond *
Bissonnette of Winooski	Klein of East Montpelier	Obuchowski of Rockingham
Bohi of Hartford	Koch of Barre Town	Olsen of Jamaica
Botzow of Pownal	Krebs of South Hero	Orr of Charlotte
Bray of New Haven	Lanpher of Vergennes	Partridge of Windham
Browning of Arlington	Larson of Burlington	Pearce of Richford
Burke of Brattleboro	Lenes of Shelburne	Pellett of Chester
Cheney of Norwich	Leriche of Hardwick	Peltz of Woodbury
Clarkson of Woodstock	Lippert of Hinesburg	Perley of Enosburg
Conquest of Newbury	Lorber of Burlington	Potter of Clarendon
Consejo of Sheldon	Macaig of Williston	Pugh of South Burlington
Copeland-Hanzas of Bradford	Maier of Middlebury	Ram of Burlington
Courcelle of Rutland City	Malcolm of Pawlet	Rodgers of Glover
Deen of Westminster *	Manwaring of Wilmington	Shand of Weathersfield
Donovan of Burlington	Marcotte of Coventry	Sharpe of Bristol
Edwards of Brattleboro	Marek of Newfane	Smith of Mendon
Emmons of Springfield	Martin of Springfield	South of St. Johnsbury
Evans of Essex	Martin of Wolcott	Stevens of Waterbury
Frank of Underhill	Masland of Thetford	Sweaney of Windsor
French of Shrewsbury	McCullough of Williston	Taylor of Barre City
French of Randolph	McDonald of Berlin	Toll of Danville
Gilbert of Fairfax	McFaun of Barre Town	Townsend of Randolph
Grad of Moretown	Milkey of Brattleboro	Waite-Simpson of Essex
Haas of Rochester	Miller of Shaftsbury	Webb of Shelburne
Head of South Burlington	Minter of Waterbury *	Weston of Burlington
Heath of Westford	Mitchell of Barnard	Wilson of Manchester
Helm of Castleton	Mook of Bennington	Winters of Williamstown
Hooper of Montpelier	Moran of Wardsboro	Wizowaty of Burlington
Jerman of Essex	Morley of Barton	Young of St. Albans City
	Mrowicki of Putney *	Zenie of Colchester

Those who voted in the negative are:

Adams of Hartland	Clerkin of Hartford	Donahue of Northfield *
Ainsworth of Royalton	Corcoran of Bennington	Fagan of Rutland City
Baker of West Rutland	Davis of Washington	Fisher of Lincoln
Branagan of Georgia	Devereux of Mount Holly	Greshin of Warren
Brennan of Colchester	Dickinson of St. Albans Town	Higley of Lowell
Canfield of Fair Haven	Donaghy of Poultney *	Howard of Cambridge
Clark of Vergennes		Howard of Rutland City

Howrigan of Fairfield	McAllister of Highgate	Shaw of Pittsford
Hubert of Milton	McNeil of Rutland Town	Spengler of Colchester
Johnson of Canaan	Morrissey of Bennington	Stevens of Shoreham
Komline of Dorset *	O'Donnell of Vernon	Till of Jericho *
Krawczyk of Bennington	Peaslee of Guildhall	Turner of Milton
Larocque of Barnet	Poirier of Barre City	Wheeler of Derby
Lawrence of Lyndon	Reis of St. Johnsbury	Wright of Burlington
Lewis of Derby *	Savage of Swanton *	

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

Aswad of Burlington	Crawford of Burke	Scheuermann of Stowe
Audette of South Burlington	Geier of South Burlington	Zuckerman of Burlington
Condon of Colchester	Jewett of Ripton	

Rep. Deen of Westminster explained his vote as follows:

“Mr. Speaker:

After this debate I am reminded of a song of my era. The words are: “Orangutans are skeptical of changes in the cages.” We are all skeptical of change but change we must in order to keep Vermont solvent and still serve Vermonters and protect our environment. It can work with enough good will and imagination and I for one am willing to try change and I am glad H792 has passed on to 3rd reading.”

Rep. Donaghy of Poultney explained his vote as follows:

“Mr. Speaker:

I vote no! Doing things in a better and more efficient way is always a good thing. At first blush, Challenges for Change presented a good case to help our little state to become more efficient. As is turned, it became a bogus tool designed to bail out this legislature’s lack of will to make very tough but necessary choices. We paid over ¼ million dollars to have some out of state consulting firm make those choices, albeit very cloudy ones, for us.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

A budget is a budget is a budget. We can pass this today, and pretend it isn’t part of the whole, but that does not change the facts- nor does it change the fact of our abdication of responsibility to be accountable to our constituents for a complete budget.”

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

“Mr. Speaker:

Yes, solely in order to advance H.792 to third reading to see if we will give local school boards and the taxpayers the tools to address the runaway costs of education and the terrifying demographics of the intensifying decline of student enrollments and the population cohort of 25 to 45 year old citizens who are fleeing Vermont to other states. This decline started in 1998 long before our national economic crisis and will continue to intensify for the next 3 to 5 years.

Rep. Komline of Dorset explained her vote as follows:

“Mr. Speaker:

I thank the majority for supporting the Republicans effort to meet our challenges in a more responsible manner. While I am voting no at this time I absolutely support efforts to make our government more efficient and streamline state services. There are a few good changes in this bill that will do just that. But still, with a gaping hole of \$21M I, personally, can't support voting for this now. I look forward to July's report and hope that, at that time, I will have all the information necessary to make a responsible.

Rep. Lewis of Derby explained his vote as follows:

“Mr. Speaker:

Although at times I have had my fair share of feeding a dead horse so to speak, I voted no because this challenge is like entering that dead horse in the Kentucky Derby.”

Rep. Minter of Waterbury explained her vote as follows:

“Mr. Speaker:

I vote yes to address the changing needs of the 21st century and to facing our economic crisis with a new way of doing things.

I vote yes to working collaboratively with state employees and their leadership.

I vote yes knowing that in a relatively short time some areas of state government have come up with very creative ideas and very real savings which have protected us from deep cuts to the services that are so critical to our neighbors.

I vote yes with the hope that we can achieve the challenges before us.”

Rep. Mrowicki of Putney explained his vote as follows:

“Mr. Speaker:

I recognize the hard work of so many. We are in unprecedented economic times brought on us when the greed of Wall Street has flooded the Main

Street's of Vermont. The challenge process is also unprecedented. From the beginning of the process that sought new ideas, the only limit was, "you can't just say No". In Washington, when a solution to the mess of health care was offered, the only response was No. When a solution is offered to regulate the greed of Wall street – the only alternative offered in response has been No. Now, in Vermont a plan to move Vermont forward is offered. It's time to move past just saying No. It's time to act and I say yes.."

Rep. Myers of Essex explained her vote as follows:

"Mr. Speaker:

I voted for this bill because it is a step, albeit a baby step, in the right direction. But I am disappointed this body could not come up with definitive and substantial plans to realize the proposed \$38 million in total savings. Hard choices should have been made so savings could have been realized. But, people in this House chose not to make the hard choices. It is too bad we wasted a golden opportunity."

Rep. O'Brien of Richmond explained her vote as follows:

"Mr. Speaker:

I vote yes. This bill begins to change the landscape for state budgeting. It redirects our focus to outcome in state government and that is what will benefit Vermonters in the long run."

Rep. Savage of Swanton explained his vote as follows:

"Mr. Speaker:

Although I certainly agree with the concept that Challenges for change represents in the form of a more efficient, cost effective state government, I voted NO for this bill as it is the method with which the end result is to be achieved.

By not making all of the hard choices that are needed to be made, the legislature is abdicating it's constitutional obligation to provide a budget o the administration and have made the entire Challenges for Change nothing more than a political sham.

I have publically stated to my constituents a couple of weeks ago that I did not vote for the budget on March 25th as the legislature failed to comply with the law mandating that we receive a report on the Challenges for change by the date that was required. We violated the law then and now are ignoring the constitution. I will have no part of this."

Rep. Till of Jericho explained his vote as follows:

"Mr. Speaker:

I believe the Challenges for change is a worthwhile effort. I believe in outcome based budgeting. But given that we have only been able in this body to realize one-half of the challenge I don't believe we can reach the goal in the time frame. With no plan B on the table I'm unable to vote for this bill at this time."

Bill Amended; Third Reading Ordered

H. 781

Rep. Cheney of Norwich spoke for the committee on Natural Resources and Energy.

Rep. Sharpe of Bristol, for the committee on Ways and Means, to which had been referred House bill, entitled

An act relating to renewable energy

Reported in favor of its passage when amended as follows:

By striking Secs. 8, 9, 10, and 11 in their entirety and inserting in lieu thereof the following:

Sec. 8. REPEALS; TRANSITION RULES

(1) Sec. 9c of No. 45 of the Acts of 2009 is amended to read:

Sec. 9c. 32 V.S.A. § 5930z (related to business solar energy investment tax credits for corporations) is repealed for investments made on or after January 1, ~~2011~~ 2012.

(2) Sec. 16(2) of No. 45 of the Acts of 2009 is amended to read:

(2) Sec. 9b (relating to the repeal of the 76-percent portion of the business solar energy tax credit) shall apply to credits related to investments made on or after January 1, ~~2011~~ 2012.

(3) Sec. 9d of No. 45 of the Acts of 2009 (transition rules) is repealed.

Sec. 9. 32 V.S.A. § 5822(d) is amended to read:

(d)(1) A taxpayer shall be entitled to a credit against the tax imposed under this section of 24 percent of each of the credits allowed against the taxpayer's federal income tax for the taxable year as follows: elderly and permanently totally disabled credit, investment tax credit attributable to the Vermont-property portion of the investment, and child care and dependent care credits.

(2) A taxpayer shall also be entitled to a credit against the tax imposed under this section of 76 percent of the Vermont-property portion of the business solar energy investment tax credit component of the federal

investment tax credit allowed against the taxpayer's federal income tax for the taxable year under Section 48 of the Internal Revenue Code; ~~provided, however, that a taxpayer who receives any grants or similar funding from the clean energy development fund created under 10 V.S.A. § 6523 is not eligible to claim the business solar energy tax credit for that project; and provided further, that, for investments made on or after October 1, 2009, the tax credit will only apply to project costs not covered by any grants or similar funding from any public or private program that assists in providing capital investment for a renewable energy project.~~

(3) Any unused business solar energy investment tax credit under this section may be carried forward for no more than five years following the first year in which the credit is claimed.

(4) Solar energy tax credit. The solar energy tax credit provided for in this section shall be taken in accordance with the provisions of § 5930z of this title.

Sec. 10. 32 V.S.A. § 5930z is amended to read:

§ 5930Z. ~~PASS THROUGH OF FEDERAL ENERGY CREDIT FOR CORPORATIONS~~ SOLAR ENERGY TAX CREDIT

(a) A taxpayer of this state shall be eligible for a the business solar energy tax credit against the tax imposed under ~~section~~ sections 5822 or 5832 of this title in an amount equal to 100 percent of the Vermont-property portion of the business solar energy investment tax credit component of the federal investment tax credit allowed against the taxpayer's federal income tax for the taxable year under Section 48 of the Internal Revenue Code; provided, however, that a taxpayer who receives any grants or similar funding from the clean energy development fund created under 10 V.S.A. § 6523 is not eligible to claim the business solar energy tax credit for that project; and provided further, that for investments made on or after October 1, 2009, the tax credit will only apply to project costs not covered by any grants or similar funding from any public or private program that assists in providing capital investment for a renewable energy project.

(b) Any taxpayer who has received a credit under subsection (a) of this section in any prior year shall increase its personal or corporate income tax under this chapter by the amount of the Vermont-property portion of the business solar energy investment tax credit component of the federal investment tax credit recapture for the taxable year.

(c) The clean energy development fund established pursuant to 10 V.S.A. § 6523 shall certify to the department no more than \$9,400,000.00 of eligible

solar energy tax credits. Credits shall be certified only if one of the two following criteria is met:

(1) The investment for which the solar energy tax credit is claimed is made after January 1, 2010, and:

(A) The investment pertains to a solar energy plant that has a plant capacity, as defined in 30 V.S.A. § 8002(13), of 2.2 MW or less;

(B) On or before July 15, 2010, the solar energy plant owner filed a complete petition with the public service board for a certificate of public good under 30 V.S.A. § 248;

(C) On or before September 1, 2011, construction on the solar energy plant is complete and the plant is commissioned or is ready to be commissioned within the meaning of 30 V.S.A. § 8002(11); and

(D) By July 15, 2010, the taxpayer has provided to the clean energy development fund on a form prescribed by the fund information necessary for the fund to determine the taxpayer's eligibility for the credit; or

(2)(A) The investment is made after January 1, 2010, and before December 31, 2010, and pertains to a net metering system as defined in 30 V.S.A. § 219a(a)(3), provided that the system is of no more than 150 kilowatts (AC) capacity; and

(B) By July 15, 2010, the taxpayer has provided to the clean energy development fund on a form prescribed by the fund information necessary for the fund to determine the taxpayer's eligibility for the credit.

(d) The final award of any solar energy tax credit shall not exceed the amount awarded to the taxpayer under 26 U.S.C. § 48.

(e) Any unused solar energy tax credit may be carried forward for no more than five succeeding tax years following the first year in which the solar energy tax credit is claimed.

(f) On a regular basis, the department shall notify the treasurer and the clean energy development board of solar energy tax credits claimed pursuant to this section, and the board shall cause to be transferred from the clean energy development fund to the general fund an amount equal to the amount of solar energy tax credits as and when the credits are claimed.

(g) The clean energy development fund and the department shall collaborate in implementing the award of credits under this section.

Sec. 11. RENEWABLE ENERGY PROPERTY TAX STUDY COMMITTEE

(a) There is created the renewable energy property tax study committee to identify and examine issues regarding the taxation of real property that includes a renewable energy plant.

(b) The members of the study committee shall be:

(1) The director of property valuation and review, who shall serve as the chair of the committee and shall call the first meeting of the committee on or before August 1, 2010;

(2) The commissioner of the department of public service or designee;

(3) A representative of the Vermont League of Cities and Towns, appointed by its board of directors;

(4) A representative of the Vermont Assessors and Listers Association, appointed by its board of directors;

(5) A representative of Renewable Energy Vermont, appointed by its board of directors;

(6) The secretary of the agency of agriculture, food and markets or designee.

(c) No later than January 15, 2011, the committee shall report its findings and analysis to the house committees on ways and means, on commerce and economic development, and on natural resources and energy, and the senate committees on finance, on economic development, housing, and general affairs, and on natural resources and energy. The report shall include specific recommendations with respect to the following:

(1) Whether the current method of property taxation of renewable energy plants adequately apportions the tax burden and, if not, whether energy plants using different renewable resources should be subject to different rates of tax and how those rates should be determined.

(2) Whether renewable energy plants that are on leased land should be taxed differently from renewable energy plants that are on land owned by the plant owner.

(3) Whether renewable energy plants installed on residential property should be exempt from taxation.

(4) If there are adverse impacts on neighboring municipalities that do not directly benefit by virtue of having the renewable energy plant on their grand list, whether those impacts are fairly addressed.

(5) Whether renewable energy plants installed on land enrolled in the use value appraisal program or affixed to exempt farm buildings should be subject to property taxation and, if so, how the rates should be determined.

(6) Any other criteria that the director and listers should consider when assessing the fair market value of land that includes a renewable energy plant.

(d) Members of the committee who are not state employees shall be entitled to compensation as provided under 32 V.S.A. § 1010.

(e) For the purpose of this section, the terms “plant” and “renewable energy” shall have the same meaning as under 30 V.S.A. § 8002.

Rep. Jewett of Ripton, for the committee on Judiciary moved to amend the bill as recommended by the committee on Ways and Means and further amend the bill as follows:

First: In Sec. 17, 10 V.S.A. § 8506, in subsection (e), by adding a second sentence to read:

In such an appeal, the board shall give the same weight and consideration to prior decisions of the environmental court and of the entities described in section 8504(m) (precedent) of this title as the board gives to its prior decisions.

Second: By striking Sec. 18 in its entirety

Third: By renumbering the remaining section to be numerically correct

Thereupon, the bill was read the second time and the report of the committees on Ways and Means and Judiciary agreed to.

Pending the question, Shall the bill be read the third time? **Rep. Cheney of Norwich** moved to amend the bill as follows:

First: In Sec. 3, 30 V.S.A. § 8005(b)(2)(F), in the first sentence, in the phrase “on and after July 1, 2010” by striking “July 1” and inserting in lieu thereof “June 8” and, in subsection (iv), in the second sentence, in the phrase “June 30, 2010” by striking the number “30” and inserting in lieu thereof “7”

Second: After Sec. 3, by inserting a new Sec. 4 to read:

* * * Clarification, Standard Offer Cost Allocation to Utilities * * *

Sec. 4. 30 V.S.A. § 8005(b)(7) is amended to read:

(7) Create a mechanism by which a retail electricity provider may establish that it has a sufficient amount of renewable energy, or resources that would otherwise qualify under the provisions of subsection (d) of this section, in its portfolio so that equity requires that the retail electricity provider be relieved, in whole or in part, from requirements established under this subsection that would require a retail electricity provider to purchase SPEED power, provided, ~~however,~~ that this mechanism shall not apply to the requirement to purchase power under subdivision (5) of this subsection ~~unless~~

the. However, a retail electricity provider seeking to use the mechanism that establishes that it receives at least 25 percent of its energy from qualifying SPEED resources that were in operation on or before September 30, 2009, shall be exempt and wholly relieved from the requirements of subdivisions (b)(5) (requirement to purchase standard offer power) and (g)(2) (allocation of standard offer electricity and costs) of this section.

Third: By renumbering Secs. 4 through 16 of the bill as amended by the Committees on Ways and Means and on Judiciary to be numerically correct

Fourth: By renumbering Sec. 17 of the bill as amended by the Committees on Ways and Means and on Judiciary to be numerically correct and, in that section, 10 V.S.A. § 8506, in subsection (a), by inserting a second sentence to read: “This section shall not apply to a facility that is subject to section 1004 (dams before the Federal Energy Regulatory Commission) or 1006 (certification of hydroelectric projects) or chapter 43 (dams) of this title.”

Fifth: By renumbering Sec. 18 (effective date) of the bill as amended by the Committees on Ways and Means and on Judiciary to be numerically correct and, in that section, in the phrase “except that Sec. 12 shall take effect on July 1, 2012” by striking “Sec. 12” and inserting in lieu thereof “Sec. 13”

Which was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Klein of East Montpelier** 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, 129. Nays, 3.

Pending the question, Shall the bill be read a third time? **Rep. Klein of East Montpelier** 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, 129. Nays, 3.

Those who voted in the affirmative are:

Acinapura of Brandon	Burke of Brattleboro	Davis of Washington
Ancel of Calais	Canfield of Fair Haven	Deen of Westminster
Andrews of Rutland City	Cheney of Norwich	Dickinson of St. Albans
Atkins of Winooski	Clarkson of Woodstock	Town
Baker of West Rutland	Clerkin of Hartford	Donaghy of Poultney *
Bissonnette of Winooski	Conquest of Newbury	Donahue of Northfield
Bohi of Hartford	Consejo of Sheldon	Donovan of Burlington
Botzow of Pownal	Copeland-Hanzas of	Edwards of Brattleboro
Branagan of Georgia	Bradford	Emmons of Springfield
Bray of New Haven	Corcoran of Bennington	Evans of Essex
Brennan of Colchester	Courcelle of Rutland City	Fagan of Rutland City

Fisher of Lincoln	Lewis of Derby	Partridge of Windham
Frank of Underhill	Lippert of Hinesburg	Pearce of Richford
French of Shrewsbury	Lorber of Burlington	Pellett of Chester
French of Randolph	Macaig of Williston	Peltz of Woodbury
Gilbert of Fairfax	Maier of Middlebury	Perley of Enosburg
Grad of Moretown	Malcolm of Pawlet	Poirier of Barre City
Greshin of Warren	Manwaring of Wilmington	Pugh of South Burlington
Haas of Rochester	Marcotte of Coventry	Ram of Burlington
Head of South Burlington	Marek of Newfane	Rodgers of Glover
Heath of Westford	Martin of Springfield	Savage of Swanton
Helm of Castleton	Martin of Wolcott	Shand of Weathersfield
Higley of Lowell	Masland of Thetford	Sharpe of Bristol
Hooper of Montpelier	McAllister of Highgate	Shaw of Pittsford
Howard of Cambridge	McCullough of Williston	Smith of Mendon
Howard of Rutland City	McDonald of Berlin	South of St. Johnsbury
Hubert of Milton	McFaun of Barre Town	Spengler of Colchester
Jerman of Essex	McNeil of Rutland Town	Stevens of Waterbury
Jewett of Ripton	Milkey of Brattleboro	Stevens of Shoreham
Johnson of South Hero	Miller of Shaftsbury	Sweaney of Windsor
Keenan of St. Albans City	Minter of Waterbury	Taylor of Barre City
Kilmartin of Newport City	Mitchell of Barnard	Till of Jericho
Kitzmiller of Montpelier	Mook of Bennington	Toll of Danville
Klein of East Montpelier	Moran of Wardsboro	Turner of Milton
Koch of Barre Town	Morley of Barton	Waite-Simpson of Essex
Komline of Dorset	Morrissey of Bennington	Webb of Shelburne
Krawczyk of Bennington	Mrowicki of Putney	Weston of Burlington
Krebs of South Hero	Myers of Essex	Wilson of Manchester
Lanpher of Vergennes	Nease of Johnson	Winters of Williamstown
Larocque of Barnet	Nuovo of Middlebury	Wizowaty of Burlington
Larson of Burlington	O'Brien of Richmond	Wright of Burlington
Lawrence of Lyndon	Obuchowski of Rockingham	Young of St. Albans City
Lenes of Shelburne	Olsen of Jamaica	Zenie of Colchester
Leriche of Hardwick	Orr of Charlotte	

Those who voted in the negative are:

Browning of Arlington	Johnson of Canaan	Potter of Clarendon
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Those members absent with leave of the House and not voting are:

Adams of Hartland	Crawford of Burke	Reis of St. Johnsbury
Ainsworth of Royalton	Devereux of Mount Holly	Scheuermann of Stowe
Aswad of Burlington	Geier of South Burlington	Townsend of Randolph
Audette of South Burlington	Howrigan of Fairfield	Wheeler of Derby
Clark of Vergennes	O'Donnell of Vernon	Zuckerman of Burlington
Condon of Colchester	Peaslee of Guildhall	

Rep. Donaghy of Poultney explained his vote as follows:

“Mr. Speaker:

I vote yes because municipal appeals will continue to still remain in the superior court. I still have concerns regarding the impact of Secs. 15, 16 and 17. Hopefully, they can be addressed in a committee of conference.”

Favorable Report; Third Reading Ordered

H. 770

Rep. Higley of Lowell, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the city of Barre

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Adjournment

At seven o'clock and five minutes in the evening, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.