

# Journal of the House

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Tuesday, March 22, 2011

At ten o'clock in the forenoon the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by the Speaker.

## Pledge of Allegiance

Page **Celia Feal-Staub of Putney** led the House in the Pledge of Allegiance.

## House Bills Introduced

### H. 437

By Rep. Greshin of Warren,

House bill, entitled

An act relating to home solicitation sales to senior citizens;

To the committee on Commerce and Economic Development.

### H. 438

By the committee on Commerce and Economic Development,

An act relating to the department of banking, insurance, securities, and health care administration;

Under the rule, placed on the Calendar for notice.

### H. 439

By the committee on Commerce and Economic Development,

An act relating to the bill-back authority of the department of public service and the public service board;

Under the rule, placed on the Calendar for notice.

### H. 440

By the committee on Education,

An act relating to creating an agency and secretary of education and amending the membership and purpose of the state board of education;

Under the rule, placed on the Calendar for notice.

**H. 441**

By the committee on Appropriations,

An act relating to making appropriations for the support of government;

Under the rule, placed on the Calendar for notice.

**Joint Resolution Placed on Calendar****J.R.H. 15**

Joint resolution urging the Federal Communications Commission to protect the financial viability of telephone service in rural communities

Offered by: Committee on Commerce and Economic Development

Whereas, Vermonters who live in rural areas deserve and expect the same high-quality affordable communications services that are available to their urban neighbors, and

Whereas, rural businesses including farms, entrepreneurial operations, and small cottage industries compete in the global marketplace and depend on affordable access to robust broadband services for their economic success, and

Whereas, affordable access to robust broadband service is critical to the success of Vermont's employers, job market, and economy, and

Whereas, many rural areas encounter significant economic development challenges in bringing high-quality well-paying jobs to their communities, and insufficiently robust broadband speeds further hamper the economic development needs of many rural communities, and

Whereas, all Vermont children, whether residing in rural or urban areas, are entitled to the same educational opportunities, and rural students can only access certain specialized courses electronically from a distant location, and

Whereas, the Communications Act of 1934 provided that all Americans shall have "rapid, efficient Nation-wide . . . communication service with adequate facilities at reasonable charges," and

Whereas, the Telecommunications Act of 1996 subdivided the definition of universal service into four subcategories including high-cost support, low income support, rural health care, and schools and libraries, and

Whereas, the high-cost subcategory usually means telephone service in rural areas that is often delivered via rural telephone companies, and

Whereas, the Universal Service Fund (USF), as authorized under federal law, and the companion federal Intercarrier Compensation (ICC) provide for transfer payments between regional carriers and the rural telephone companies to assure the vitality of rural telephone services, and

Whereas, telecommunications providers serving rural Vermont work diligently to ensure subscribers access to affordable and reliable broadband services, and they utilize the United States Department of Agriculture's Rural Utilities Service loan and grant programs for this purpose, and

Whereas, despite the continuing extension of broadband in rural areas, the Federal Communication Commission's (FCC) new National Broadband Plan will hinder rural Vermonters from realizing the full benefits of robust broadband service, and

Whereas, although the plan proposes a 2020 nationwide goal of broadband transmission speed of one hundred megabits per second, it also provides that federal financing for broadband construction in high-cost rural areas would be limited to service that is no faster than four megabits per second, and

Whereas, the National Broadband Plan runs counter to the federal universal service policy, which ensures access to reasonably comparable communications services and rates regardless of the subscriber's location, and

Whereas, on February 8, 2011, the FCC issued a notice of proposed rulemaking and further proposed rulemaking to convert the current USF into a new Connect America Fund intended to expand broadband availability to all areas of the country, and

Whereas, the FCC seeks to revise the USF and the ICC in a manner that will create an unstable transfer payment system resulting in increased rates for individual rural subscribers and that would frustrate the fundamental goal of assuring the affordability and availability of telecommunications services, including rural high-speed broadband services, and

Whereas, although enhanced federal financing to extend broadband in rural areas is welcome, it must be structured equitably and fairly in order that it fosters the continued expansion, maintenance, and upgrade of broadband in rural areas, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges the Federal Communications Commission to design any new system of federal financial support for rural telecommunications services in a manner that does not threaten the viability of existing rural telephone and broadband service or the future economic livelihood and social well-being of rural consumers, and be it further

Resolved: That it is vital to express the importance of robust broadband deployment to rural Vermont and to encourage those amendments to the National Broadband Plan that ensure the extension and continuing

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sustainability of high-quality broadband service throughout Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Federal Communications Commission, the Vermont Congressional Delegation, the department of public service, and the public service board.

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

**Action on Bill Postponed**

**H. 202**

House bill, entitled

An act relating to a single-payer and unified health system

Was taken up and pending the reading of the report of the committee on Health Care, on motion of **Rep. Larson of Burlington**, action on the bill was postponed until the next legislative day.

**Action on Bill Postponed**

**H. 201**

House bill, entitled

An act relating to hospice and palliative care

Was taken up and pending third reading of the bill, on motion of **Rep. Frank of Underhill**, action on the bill was postponed until the next legislative day.

**Action on Bill Postponed**

**H. 258**

House bill, entitled

An act relating to public participation in environmental enforcement proceedings

Was taken up and pending the reading of the report of the committee on Natural Resources and Energy, on motion of **Rep. Ellis of Waterbury**, action on the bill was postponed until Tuesday, March 29, 2011.

**Bill Amended; Third Reading Ordered**

**H. 91**

**Rep. Webb of Shelburne**, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to the management of fish and wildlife

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

Sec. 1. FINDINGS

The general assembly finds and declares:

(1) The protection, propagation, control, management, and conservation of the wildlife of Vermont are in the best interest of the public.

(2) Exposure of wildlife to domestic animals, as that term is defined in 6 V.S.A. § 1151, increases the risk that a disease or parasite, such as chronic wasting disease, is introduced into or spread to the wildlife of Vermont.

(3) To prevent the introduction or spread of a disease or parasite to the wildlife of Vermont, white-tailed deer and moose should not be entrapped in captive cervidae facilities.

(4) If a white-tailed deer or moose is entrapped in a facility that contains domestic animals, existing rules require the facility owner to consult with the department of fish and wildlife in order to determine the best method for removal of the entrapped white-tailed deer or moose.

(5) To preserve the health of the wildlife of Vermont, all owners of captive cervidae facilities should be required to remove entrapped white-tailed deer or moose, and such facilities should be required to take the necessary measures to prevent future entrapment of white-tailed deer or moose.

Sec. 2. 10 V.S.A. § 4081 is amended to read:

§ 4081. POLICY

(a) ~~It is the policy of the state that the~~ (1) As provided by Chapter II, § 67 of the Vermont Constitution, the fish and wildlife of Vermont are held in trust by the state for the benefit of the citizens of Vermont and shall not be reduced to private ownership. The state of Vermont, in its sovereign capacity as a trustee for the citizens of the state, shall have ownership, jurisdiction, and control of all of the fish and wildlife of Vermont.

(2) The commissioner of fish and wildlife shall manage and regulate the fish and wildlife of Vermont in accordance with the requirements of this part and the rules of the fish and wildlife board. The protection, propagation control, management, and conservation of fish, wildlife, and fur-bearing animals in this state is are in the interest of the public welfare, ~~and that safeguarding of this valuable resource.~~ The state, through the commissioner of fish and wildlife, shall safeguard the fish, wildlife, and fur-bearing animals of

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the state for the people of the state ~~requires~~, and the state shall fulfill this duty with a constant and continual vigilance.

(b) Notwithstanding the provisions of ~~section 2803 of Title 3 V.S.A. § 2803~~, the fish and wildlife board shall be the state agency charged with carrying out the purposes of this subchapter.

(c) An abundant, healthy deer herd is a primary goal of fish and wildlife management. The use of a limited unit open season on antlerless deer shall be implemented only after a scientific game management study by the fish and wildlife department supports such a season.

(d) Annually, the department shall update a scientific management study of the state deer herd. The study shall consider data provided by department biologists and citizen testimony taken under subsection (f) of this section.

(e) Based on the results of the updated management study and citizen testimony, the board shall decide whether an antlerless deer hunting season is necessary and if so how many permits are to be issued. If the board determines that an antlerless season is necessary, it shall adopt a rule creating one and the department shall then administer an antlerless program.

(f) Annually, the department shall hold regional public hearings to receive testimony and data from concerned citizens about their knowledge and concerns about the deer herd. The board shall identify the regions by rule.

(g) If the board finds that an antlerless season is necessary to maintain the health and size of the herd, the department shall administer an antlerless deer program. Annually, the board shall determine how many antlerless permits to issue in each wildlife management unit. For a nonrefundable fee of \$10.00 for residents and \$25.00 for nonresidents a person may apply for a permit. Each person may submit only one application for a permit. The department shall allocate the permits in the following manner:

(1) A Vermont landowner, as defined in section 4253 of this title, who owns 25 or more contiguous acres and who applies shall receive a permit for antlerless hunting in the management unit on which the land is located before any are given to people eligible under subdivision (2) of this subsection. If the land is owned by more than one individual, corporation or other entity, only one permit shall be issued. Landowners applying for antlerless permits under this subdivision shall not, at the time of application or thereafter during the regular hunting season, post their lands except under the provisions of section 4710 of this title. If the number of landowners who apply exceeds the number of permits for that district, the department shall award all permits in that district to landowners by lottery.

(2) Permits remaining after allocation pursuant to subdivision (1) of this subsection shall be issued by lottery.

(3) Any permits remaining after permits have been allocated pursuant to subdivisions (1) and (2) of this subsection shall be issued by the department for a \$10.00 fee for residents. Ten percent of the remaining permits may be issued to nonresident applicants for a \$25.00 fee.

Sec. 3. REPEAL OF DORMANT STATUTORY REQUIREMENTS FOR MANAGEMENT OF THE DEER HERD

(a) 10 V.S.A. §§ 4743 (relating to muzzle loader season), 4744 (relating to bow and arrow season), and 4753 (relating to annual deer limit), as suspended by Sec. 5(a) of No. 136 of the Acts of the 2003 Adj. Sess. (2004), § 5(a) and by Sec. 2 of No. 97 of the Acts of the 2007 Adj. Sess. (2008), shall be repealed July 1, 2011.

(b) Sec. 7(d) (repeal of transfer to the fish and wildlife board of management authority over deer herd) of No. 136 of the Acts of the 2003 Adj. Sess. (2004), as amended by No. 97 of the Acts of the 2007 Adj. Sess. (2008), shall be repealed July 1, 2011.

Sec. 4. REPEAL OF TRANSFER OF REGULATORY AUTHORITY OVER CAPTIVE CERVIDAE FACILITY

Sec. E.702.1 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) (transfer of regulatory oversight over captive cervidae facility and the white-tailed deer or moose entrapped within it to the agency of agriculture, food and markets) is repealed.

Sec. 5. TRANSITION

(a) For purposes of this section, “relevant captive cervidae facility” shall mean a captive cervidae facility subject to the requirements of Sec. E.702.1 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) prior to repeal under Sec. 3 of this act.

(b) Upon repeal of Sec. E.702.1 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) under Sec. 4 of this act, the jurisdiction and regulatory authority over a relevant captive cervidae facility and the white-tailed deer and moose entrapped within it are transferred from the agency of agriculture, food and markets to the department of fish and wildlife.

(c) Upon transfer of jurisdiction and regulatory authority to the department of fish and wildlife under subsection (b) of this section, a relevant captive cervidae facility shall be regulated as a captive hunt facility under the fish and wildlife board’s rule governing the importation and possession of animals for taking by hunting as set forth in 10 V.S.A. App. § 19, except that:

(1) For purposes of review of an application for a permit submitted under subsection (d) of this section, demonstrated compliance by a relevant captive cervidae facility with the requirements of Sec. E.702.1 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) or the agency of agriculture, food and markets' rules governing captive cervidae shall be deemed as substantial compliance with comparable provisions of the department of fish and wildlife rules governing the importation and possession of animals for taking by hunting.

(2) The wild cervidae entrapped at a relevant captive cervidae facility may remain at the facility, provided that:

(A) The white-tailed deer and moose entrapped at the facility shall be subject to hunt during an applicable open season or seasons established by the fish and wildlife board;

(B) The fish and wildlife board shall adopt by rule a process by which the number of white-tailed deer and moose entrapped within the relevant captive hunt facility is reduced to zero by taking, as that term is defined in 10 V.S.A. § 4001, over a five-year period from September 1, 2011. The rule adopted by the fish and wildlife board under this subdivision shall specify:

(i) The number and type of white-tailed deer or moose to be taken in any season set by the board for the relevant captive hunt facility, subject to the following:

(I) The number of white-tailed deer or moose authorized for taking should be reasonably equal in each of the five years from September 1, 2011, provided that all white-tailed deer or moose remaining at the facility in the fifth year shall be authorized for taking;

(II) In each year of the five-year period, the owner of the relevant captive cervidae facility shall present to the department of fish and wildlife for disease surveillance at least the number of white-tailed deer and moose authorized for taking by the fish and wildlife board under this subdivision (C)(2)(B)(i).

(ii) The process and protocol for a disease surveillance program at the relevant captive cervidae facility.

(C) the owner of the relevant captive cervidae facility may post his or her land according to 10 V.S.A. § 5201 and may restrict access to the facility for hunting; and

(D) no fee shall be charged by the relevant captive cervidae facility for the right to take white-tailed deer or moose during a hunt season established by the fish and wildlife board under this subsection.



(3) No person knowingly or intentionally shall allow wild cervidae at the relevant captive cervidae facility to escape or to be released from the facility.

(4) Failure of the relevant captive cervidae facility to meet the requirements of this section shall be a fish and game violation subject to enforcement under 10 V.S.A. chapter 109.

(d) By September 1, 2011, the owner of a relevant captive cervidae facility shall submit to the department of fish and wildlife an application for a permit for the possession of animals for the purpose of hunting.

(e) On or before January 15, 2012, and annually thereafter, the department of fish and wildlife shall report to the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy regarding the status of the relevant captive cervidae facility's compliance with:

(1) the requirements of this section; and

(2) the fish and wildlife board's rule governing the importation and possession of animals for taking by hunting.

(f) Prior to filing under 3 V.S.A. § 841 a final proposal of the rules required by subsection (c) of this section, the fish and wildlife board shall submit a copy of the proposed rules to the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy. The house committee on fish, wildlife and water resources and the senate committee on natural resources and energy shall review the proposed rules for consistency with legislative intent. The house committee on fish, wildlife and water resources and the senate committee on natural resources shall recommend that the proposed rules be amended or shall recommend that the proposed rules be filed with the secretary of state and the legislative committee on administrative rules under 3 V.S.A. § 841. If the general assembly is not in session when the fish and wildlife board is prepared to file a final proposal of rules, the board may submit the proposed rules to the secretary of the senate, the clerk of the house, and the chairs of the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy.

Sec. 6. 10 V.S.A. §§ 4519–4520a are added to read:

§ 4519. ASSURANCE OF DISCONTINUANCE

(a) As an alternative to judicial proceedings, the commissioner may accept an assurance of discontinuance of any violation of this part. An assurance of discontinuance may include, but need not be limited to:

(1) specific actions to be taken;

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- (2) abatement or mitigation schedules;
  - (3) payment of a civil penalty and the costs of investigation;
  - (4) payment of an amount to be held in escrow pending the outcome of an action or as restitution to aggrieved persons.

(b) An assurance of discontinuance shall be in writing and signed by the respondent and shall specify the statute or regulation alleged to have been violated. An assurance of discontinuance shall be simultaneously filed with the attorney general and the civil division of the superior court of the county in which the alleged violation occurred or the civil division of the superior court of Washington County. An assurance of discontinuance may, by its terms, become an order of the court. Evidence of a violation of an assurance of discontinuance shall be prima facie proof of the violation.

(c) Any violation of an assurance of discontinuance shall constitute a separate and distinct offense of the underlying statute or rule and shall be subject to an administrative penalty under section 4520 of this title, in addition to any other applicable penalties.

#### § 4520. ADMINISTRATIVE PENALTIES

(a) In addition to other penalties provided by law, the commissioner may assess administrative penalties, not to exceed \$1,000.00, for each violation of this part.

(b) In determining the amount of the penalty to be assessed under this section, the commissioner may give consideration to one or more of the following:

- (1) the degree of actual and potential impact on fish, game, public safety, or the environment resulting from the violation;
- (2) the presence of mitigating or aggravating circumstances;
- (3) whether the violator has been warned or found in violation of fish and game law in the past;
- (4) the economic benefit gained by the violation;
- (5) the deterrent effect of the penalty;
- (6) the financial condition of the violator.

(c) Each violation may be a separate and distinct offense and, in the case of a continuing violation, each day's continuance may be deemed to be a separate and distinct offense. In no event shall the maximum amount of the penalty assessed under this section exceed \$25,000.00.

(d) In addition to the administrative penalties authorized by this section, the commissioner may recover the costs of investigation, which shall be credited to a special fund and shall be available to the department to offset these costs.

(e) Any party aggrieved by a final decision of the commissioner under this section may appeal de novo to the civil division of the superior court of the county in which the violation occurred or the civil division of the superior court of Washington County within 30 days of the final decision of the commissioner.

(f) The commissioner may enforce a final administrative penalty by filing a civil collection action in the civil division of the superior court of any county.

(g) The commissioner may, subject to 3 V.S.A. chapter 25, suspend any license or permit issued pursuant to his or her authority under this part for failure to pay a penalty under this section more than 60 days after the penalty was issued.

#### § 4520a. NOTICE AND HEARING REQUIREMENTS

(a) The commissioner shall use the following procedures in assessing the penalty under section 4520 of this title: the attorney general or an alleged violator shall be given an opportunity for a hearing after reasonable notice; and the notice shall be served by personal service or by certified mail, return receipt requested. The notice shall include:

(1) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(2) a statement of the matter at issue, including reference to the particular statute allegedly violated and a factual description of the alleged violation;

(3) the amount of the proposed administrative penalty; and

(4) a warning that the decision shall become final and the penalty imposed if no hearing is requested within 15 days of receipt of the notice. The notice shall specify the requirements which shall be met in order to avoid being deemed to have waived the right to a hearing or the manner of payment if the person elects to pay the penalty and waive a hearing.

(b) Any person who receives notification pursuant to this section shall be deemed to have waived the right to a hearing unless, within 15 days of the receipt of the notice, the person requests a hearing in writing. If the person waives the right to a hearing, the commissioner shall issue a final order finding the person in default and imposing the penalty. A copy of the final default order shall be sent to the violator by certified mail, return receipt requested.

(c) When an alleged violator requests a hearing in a timely fashion, the commissioner shall hold the hearing pursuant to 3 V.S.A. chapter 25.

Sec. 7. EFFECTIVE DATES

(a) This section and Secs. 1 (findings), 2 (policy for management of fish and wildlife), 3 (repeal of dormant deer herd management statutes) and 6 (department of fish and wildlife; assurance of discontinuance; administrative penalties) of this act shall take effect on July 1, 2011.

(b) Secs. 4 (repeal of transfer of regulatory authority over captive cervidae facility) and 5 (transition of regulatory authority over captive cervidae facility) of this act shall take effect September 1, 2011, except that Sec. 5(d) (application for possession of animals for purpose of hunting permit) shall take effect on July 1, 2011.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Fish, Wildlife & Water Resources agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Deen of Westminster** 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, 102. Nays, 39.

Those who voted in the affirmative are:

Ancel of Calais	Degree of St. Albans City	Jerman of Essex
Andrews of Rutland City	Donahue of Northfield	Jewett of Ripton
Atkins of Winooski	Donovan of Burlington	Johnson of South Hero
Bartholomew of Hartland	Edwards of Brattleboro	Keenan of St. Albans City
Bissonnette of Winooski	Ellis of Waterbury	Kitzmiller of Montpelier
Bohi of Hartford	Emmons of Springfield	Klein of East Montpelier
Botzow of Pownal	Fisher of Lincoln	Koch of Barre Town
Browning of Arlington	Font-Russell of Rutland City	Komline of Dorset
Burke of Brattleboro	Frank of Underhill	Krebs of South Hero
Buxton of Royalton	French of Shrewsbury	Kupersmith of South Burlington
Campion of Bennington	French of Randolph	Lanpher of Vergennes
Cheney of Norwich	Gilbert of Fairfax	Larson of Burlington
Christie of Hartford	Grad of Moretown	Lenes of Shelburne
Clarkson of Woodstock	Greshin of Warren	Leriche of Hardwick
Conquest of Newbury	Haas of Rochester	Lorber of Burlington
Consejo of Sheldon	Head of South Burlington	Macaig of Williston
Copeland-Hanzas of Bradford	Heath of Westford	Malcolm of Pawlet
Courcelle of Rutland City	Hebert of Vernon	Manwaring of Wilmington
Dakin of Chester	Helm of Fair Haven	Marek of Newfane
Davis of Washington	Hooper of Montpelier	Martin of Springfield
Deen of Westminster	Howard of Cambridge	Martin of Wolcott
	Howrigan of Fairfield	

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Masland of Thetford	Peltz of Woodbury	Taylor of Barre City
McCullough of Williston	Poirier of Barre City	Till of Jericho
McFaun of Barre Town	Potter of Clarendon	Toll of Danville
Mook of Bennington	Ralston of Middlebury	Trieber of Rockingham
Moran of Wardsboro	Ram of Burlington	Waite-Simpson of Essex
Mrowicki of Putney	Scheuermann of Stowe	Webb of Shelburne
Munger of South Burlington	Shand of Weathersfield	Weston of Burlington
Myers of Essex	Sharpe of Bristol	Wilson of Manchester
Nuovo of Middlebury	South of St. Johnsbury	Wizowaty of Burlington
O'Brien of Richmond	Spengler of Colchester	Woodward of Johnson
Olsen of Jamaica	Stevens of Waterbury	Yantachka of Charlotte
Partridge of Windham	Stuart of Brattleboro	Young of Albany
Pearson of Burlington	Sweaney of Windsor	

Those who voted in the negative are:

Acinapura of Brandon	Eckhardt of Chittenden	Morrissey of Bennington
Batchelor of Derby	Fagan of Rutland City	Pearce of Richford
Bouchard of Colchester	Higley of Lowell	Peaslee of Guildhall
Branagan of Georgia	Hubert of Milton	Perley of Enosburgh
Brennan of Colchester	Johnson of Canaan	Reis of St. Johnsbury
Burditt of West Rutland	Kilmartin of Newport City	Savage of Swanton
Canfield of Fair Haven	Larocque of Barnet	Shaw of Pittsford
Condon of Colchester	Lawrence of Lyndon	Smith of New Haven
Corcoran of Bennington	Lewis of Berlin	Strong of Albany
Crawford of Burke	Lewis of Derby	Townsend of Randolph
Devereux of Mount Holly	Marcotte of Coventry	Turner of Milton
Dickinson of St. Albans Town	McAllister of Highgate	Wright of Burlington
Donaghy of Poultney	McNeil of Rutland Town	
	Miller of Shaftsbury	

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

Aswad of Burlington	Lippert of Hinesburg	Stevens of Shoreham
Clark of Vergennes	Mitchell of Barnard	Winters of Williamstown
Evans of Essex	Pugh of South Burlington	

**Rules Suspended; Bill Read Second Time  
Consideration Interrupted by Recess**

**H. 436**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to tax changes, including income taxes, property taxes, economic development credits, health care-related tax provisions, and miscellaneous tax provisions;

Appearing on the Calendar for notice, was taken up for immediate consideration.

**Rep. Ancel of Calais** spoke for the committee on Ways and Means.

Was taken up and read the second time.

### Recess

At twelve o'clock and five minutes in the afternoon, the Speaker declared a recess until two o'clock and fifteen minutes in the afternoon.

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

### Consideration Resumed; Consideration Interrupted by Recess

#### H. 436

Consideration resumed on House bill, entitled

An act relating to tax changes, including income taxes, property taxes, economic development credits, health care-related tax provisions, and miscellaneous tax provisions

Pending the question, shall the bill be read a third time?, **Reps. Pearson of Burlington and Poirier of Barre City** moved to amend the bill as follows:

Sec. 3a. Sec. 20 of No. 2 of the Acts of 2009 Spec. Sess. is amended to read:

#### Sec. 20. PERSONAL INCOME TAX RATES

(a) For taxable year 2009 only, income tax rates under 32 V.S.A. § 5822, after taking into account any inflation adjustments to taxable income as required under subdivision 5822(b)(2), shall be as follows:

For taxable income which, without the passage of this act, would be subject to tax at the following rate (%):	That taxable income shall instead be taxed at the following rate (%):
3.60	3.55
7.20	7.00
8.50	8.25
9.00	8.90
9.50	9.40

(b) For taxable year 2010 ~~and after~~ only, income tax rates under 32 V.S.A. § 5822, after taking into account any inflation adjustments to taxable income as required under subdivision 5822(b)(2), shall be as follows:

For taxable income which, without the passage of this act, would be subject to tax at the following rate (%):	That taxable income shall instead be taxed at the following rate (%):
3.60	3.55
7.20	6.80
8.50	7.80
9.00	8.80
9.50	8.95

(c) For taxable years 2012, 2013 and 2014 income tax rates under 32 V.S.A. § 5822, after taking into account any inflation adjustments to taxable income as required under subdivision 5822(b)(2), shall be as follows:

<u>For taxable income which, without the passage of this act, would be subject to tax at the following rate (%):</u>	<u>That taxable income shall instead be taxed at the following rate (%):</u>
<u>3.60</u>	<u>3.55</u>
<u>7.20</u>	<u>6.80</u>
<u>8.50</u>	<u>8.80</u>
<u>9.00</u>	<u>10.30</u>
<u>9.50</u>	<u>10.95</u>

(d) For taxable year 2015 and after, income tax rates under 32 V.S.A. § 5822, after taking into account any inflation adjustments to taxable income as required under subdivision 5822(b)(2), shall be as follows:

<u>For taxable income which, without the passage of this act, would be subject to tax at the following rate (%):</u>	<u>That taxable income shall instead be taxed at the following rate (%):</u>
<u>3.60</u>	<u>3.55</u>
<u>7.20</u>	<u>6.80</u>
<u>8.50</u>	<u>7.80</u>

9.008.809.508.95

Pending the question, Shall the bill be amended as recommended by Reps. Pearson of Burlington and Poirier of Barre City? **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 recommended by Reps. Pearson of Burlington and Poirier of Barre City? was decided in the negative. Yeas, 23. Nays, 117.

Those who voted in the affirmative are:

Burke of Brattleboro	Martin of Wolcott	Spengler of Colchester *
Dakin of Chester	McFaun of Barre Town	Taylor of Barre City
Davis of Washington	Mook of Bennington	Weston of Burlington
Edwards of Brattleboro	Moran of Wardsboro	Wizowaty of Burlington
French of Randolph	Nuovo of Middlebury	Woodward of Johnson
Haas of Rochester *	Pearson of Burlington	Yantachka of Charlotte *
Larocque of Barnet	Poirier of Barre City	Young of Albany
Lorber of Burlington	Ram of Burlington	

Those who voted in the negative are:

Acinapura of Brandon	Crawford of Burke	Hubert of Milton
Ancel of Calais	Deen of Westminster	Jerman of Essex
Andrews of Rutland City	Degree of St. Albans City	Jewett of Ripton
Atkins of Winooski	Devereux of Mount Holly	Johnson of South Hero
Bartholomew of Hartland	Dickinson of St. Albans Town	Johnson of Canaan
Batchelor of Derby	Donaghy of Poultney	Keenan of St. Albans City
Bissonnette of Winooski	Donahue of Northfield	Kitzmiller of Montpelier
Bohi of Hartford	Donovan of Burlington	Klein of East Montpelier
Botzow of Pownal	Eckhardt of Chittenden	Koch of Barre Town
Bouchard of Colchester	Ellis of Waterbury	Komline of Dorset
Branagan of Georgia	Emmons of Springfield	Krebs of South Hero
Brennan of Colchester	Fagan of Rutland City	Kupersmith of South Burlington
Browning of Arlington	Fisher of Lincoln	Lanpher of Vergennes
Burditt of West Rutland	Font-Russell of Rutland City	Larson of Burlington
Buxton of Royalton	Frank of Underhill	Lawrence of Lyndon
Campion of Bennington	French of Shrewsbury	Lenes of Shelburne
Canfield of Fair Haven	Gilbert of Fairfax	Leriche of Hardwick
Cheney of Norwich	Grad of Moretown	Lewis of Berlin
Christie of Hartford	Greshin of Warren	Lewis of Derby
Clarkson of Woodstock	Head of South Burlington	Macaig of Williston
Condon of Colchester	Heath of Westford	Malcolm of Pawlet
Conquest of Newbury	Hebert of Vernon	Manwaring of Wilmington
Consejo of Sheldon	Helm of Fair Haven	Marcotte of Coventry
Copeland-Hanzas of Bradford	Higley of Lowell	Marek of Newfane
Corcoran of Bennington	Hooper of Montpelier	Martin of Springfield *
Courcelle of Rutland City	Howrigan of Fairfield	Masland of Thetford



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McAllister of Highgate	Peltz of Woodbury *	Stevens of Shoreham
McCullough of Williston	Perley of Enosburgh	Strong of Albany
McNeil of Rutland Town	Potter of Clarendon	Stuart of Brattleboro
Miller of Shaftsbury	Ralston of Middlebury	Sweaney of Windsor
Morrissey of Bennington	Reis of St. Johnsbury	Till of Jericho
Mrowicki of Putney	Savage of Swanton	Toll of Danville
Munger of South Burlington	Scheuermann of Stowe	Townsend of Randolph
Myers of Essex	Shand of Weathersfield	Trieber of Rockingham
O'Brien of Richmond	Sharpe of Bristol	Turner of Milton
Olsen of Jamaica	Shaw of Pittsford	Waite-Simpson of Essex
Partridge of Windham	Smith of New Haven	Webb of Shelburne
Pearce of Richford	South of St. Johnsbury	Wilson of Manchester
Peaslee of Guildhall	Stevens of Waterbury *	Wright of Burlington

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

Aswad of Burlington	Howard of Cambridge	Mitchell of Barnard
Clark of Vergennes	Kilmartin of Newport City	Pugh of South Burlington
Evans of Essex	Lippert of Hinesburg	Winters of Williamstown

**Rep. Peltz of Woodbury** explained his vote as follows:

“Mr. Speaker:

Raising income taxes on the wealthiest has now been brought forth. I support the intention of this amendment, but believe the implementation will have to wait.”

**Rep. French of Shrewsbury** explained his vote as follows:

“Mr. Speaker:

I agree in principle with this amendment and look forward to it being taken up later this year by the ways and means committee.”

**Rep. Haas of Rochester** explained her vote as follows:

“Mr. Speaker:

There is not question that we need more revenue Budget cuts in the past three years have already reduced many services to unacceptable levels. Local police jail people too sick to understand what they are doing.

People in mental health crisis spend 30-60 hours in emergency rooms waiting for appropriate placement. Telephone service lines are so busy that people just give up.

We should be looking closely at the human cost of cuts we have already made. This revenue would help us correct some of those issues.”

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**Rep. Martin of Springfield** explained her vote as follows:

“Mr. Speaker:

I vote no with the hope and expectation that this will be taken up in the context that has been suggested as the more appropriate one.”

**Rep. Stevens of Waterbury** explained his vote as follows:

“Mr. Speaker:

I voted no on this amendment, not because I don’t believe in it, I do, but because I think it needs to be discussed fully in context of a discussion on readjusting out income tax system. It is fair to ask those who have benefited most from the Bush Era tax cuts to acknowledge the inequity between the gift made to them and the harsh reality of our human service cuts.”

**Rep. Yantacka of Charlotte** explained his vote as follows:

“Mr. Speaker:

I voted yes because I believe it is a moral obligation to protect and help those who need help the most and that asking the most well-off to contribute a little more is not too much to ask. This may not be the right bill or strategically the right time in a political sense, but the right time ethically, is when the help is needed and that time is as soon as possible.”

**Rep. Spengler of Colchester** explained her vote as follows:

“Mr. Speaker:

It has been perplexing to me that the Vermont legislature has chosen to decrease Vermont income taxes in 2009 and 2010 instead of asking those who can afford to help out and pay more to do so.”

### **Recess**

At three o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until three o'clock and forty five minutes in the afternoon.

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

### **Consideration Resumed; Bill Amended and Third Reading Ordered**

#### **H. 436**

Consideration resumed on House bill, entitled

An act relating to tax changes, including income taxes, property taxes, economic development credits, health care-related tax provisions, and miscellaneous tax provisions

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

In Sec. 4 by striking subsections (c) and (d) in their entirety.

Pending the question, Shall the bill be amended as recommended by Rep. Branagan of Georgia? **Rep. Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Rep. Branagan of Georgia? was decided in the affirmative. Yeas, 117. Nays, 20.

Those who voted in the affirmative are:

Ancel of Calais	Frank of Underhill	Martin of Springfield
Andrews of Rutland City	French of Shrewsbury	Martin of Wolcott
Atkins of Winooski	French of Randolph	Masland of Thetford
Bartholomew of Hartland	Gilbert of Fairfax	McCullough of Williston
Batchelor of Derby	Greshin of Warren	McFaun of Barre Town
Bissonnette of Winooski	Haas of Rochester	McNeil of Rutland Town
Bohi of Hartford	Head of South Burlington	Miller of Shaftsbury
Botzow of Pownal	Hebert of Vernon	Mook of Bennington
Bouchard of Colchester	Helm of Fair Haven	Moran of Wardsboro
Branagan of Georgia	Higley of Lowell	Morrissey of Bennington
Brennan of Colchester	Hooper of Montpelier	Mrowicki of Putney
Browning of Arlington	Howrigan of Fairfield	Munger of South Burlington
Burditt of West Rutland	Jewett of Ripton	Myers of Essex
Burke of Brattleboro	Johnson of South Hero	Nuovo of Middlebury
Buxton of Royalton	Johnson of Canaan	O'Brien of Richmond
Campion of Bennington	Keenan of St. Albans City	Olsen of Jamaica
Cheney of Norwich	Kilmartin of Newport City	Partridge of Windham
Condon of Colchester	Kitzmiller of Montpelier	Pearson of Burlington
Conquest of Newbury	Klein of East Montpelier	Peaslee of Guildhall
Copeland-Hanzas of Bradford	Koch of Barre Town	Peltz of Woodbury
Corcoran of Bennington	Komline of Dorset	Poirier of Barre City
Courcelle of Rutland City	Krebs of South Hero	Potter of Clarendon
Crawford of Burke	Kupersmith of South Burlington	Pugh of South Burlington
Dakin of Chester	Lanpher of Vergennes	Ralston of Middlebury
Davis of Washington	Larocque of Barnet	Ram of Burlington
Deen of Westminster *	Larson of Burlington	Reis of St. Johnsbury
Degree of St. Albans City	Lawrence of Lyndon	Savage of Swanton
Devereux of Mount Holly	Lenes of Shelburne	Scheuermann of Stowe
Donaghy of Poultney	Leriche of Hardwick	Shand of Weathersfield
Donovan of Burlington	Lewis of Berlin	Sharpe of Bristol
Edwards of Brattleboro	Lewis of Derby	South of St. Johnsbury
Ellis of Waterbury	Lorber of Burlington	Spengler of Colchester
Emmons of Springfield	Macaig of Williston	Stevens of Waterbury
Fagan of Rutland City	Manwaring of Wilmington	Stuart of Brattleboro
Fisher of Lincoln	Marcotte of Coventry	Taylor of Barre City
Font-Russell of Rutland City	Marek of Newfane	Till of Jericho
		Townsend of Randolph

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Trieber of Rockingham	Wizowaty of Burlington	Yantachka of Charlotte
Webb of Shelburne	Woodward of Johnson	Young of Albany
Weston of Burlington	Wright of Burlington	

Those who voted in the negative are:

Acinapura of Brandon	Grad of Moretown	Shaw of Pittsford
Canfield of Fair Haven	Heath of Westford	Smith of New Haven
Clarkson of Woodstock	Jerman of Essex	Sweaney of Windsor
Consejo of Sheldon	Malcolm of Pawlet	Toll of Danville
Dickinson of St. Albans Town	McAllister of Highgate	Turner of Milton *
Donahue of Northfield	Pearce of Richford	Waite-Simpson of Essex *
	Perley of Enosburgh	Wilson of Manchester

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

Aswad of Burlington	Evans of Essex	Mitchell of Barnard
Christie of Hartford	Howard of Cambridge	Stevens of Shoreham
Clark of Vergennes	Hubert of Milton	Strong of Albany
Eckhardt of Chittenden	Lippert of Hinesburg	Winters of Williamstown

**Rep. Turner of Milton** explained his vote as follows:

“Mr. Speaker:

I vote "no" because my school district should not be penalized for meeting the legislative goal. This action removes the only incentive that would have recognized school districts for complying with the legislatures' request and meeting the voluntary challenge for change goal. Thank you.”

**Rep. Waite-Simpson of Essex** explained her vote as follows:

“Mr. Speaker:

The 87 cent base rate is one cent higher than it should be because the total education spending in the state is 2% higher than we projected last year. To ask school districts that met the 2% reduction to further subsidize the districts that did not meet the challenge is just not right.”

**Rep. Sharpe of Bristol** explained his vote as follows:

“Mr. Speaker:

Every school district worked hard to keep their budgets low and were rewarded by keeping down their tax rates.”

Pending the question, shall the bill be read a third time?, **Reps. Wright of Burlington and Komline of Dorset** moved to amend the bill as follows:

First: By adding a Sec. 13a to read:

Sec. 13a. 32 V.S.A. § 6061 is amended to read:

§ 6061. DEFINITIONS

The following definitions shall apply throughout this chapter unless the context requires otherwise:

\* \* \*

(5) “Modified adjusted gross income” means “federal adjusted gross income”:

\* \* \*

(E) with the addition of an asset adjustment of 1 x the sum of interest and dividend income included in household income above \$10,000.00, regardless of whether that dividend or interest income is included in federal adjusted gross income. Any interest and dividend income earned by a member of the household in which the claimant, the claimant’s spouse, or the claimant’s civil union partner is 65 years old or older for any part of the tax year in question, shall not be included in the calculation under this subdivision.

Second: In Sec. 37 (EFFECTIVE DATES), in subdivision (4), by adding before the period

, and Sec. 13a shall take effect on January 1, 2011 and apply to tax year 2011 and after

Pending the question, Shall the bill be amended as recommended by Rep. Komline of Dorset and 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 bill be amended as recommended by Rep. Komline of Dorset and Rep. Wright of Burlington? was decided in the negative. Yeas, 48. Nays, 88.

Those who voted in the affirmative are:

Acinapura of Brandon  
Batchelor of Derby  
Bouchard of Colchester  
Brennan of Colchester  
Browning of Arlington  
Burditt of West Rutland  
Canfield of Fair Haven  
Consejo of Sheldon  
Crawford of Burke  
Degree of St. Albans City  
Devereux of Mount Holly  
Dickinson of St. Albans  
Town  
Donaghy of Poultney

Donahue of Northfield  
Fagan of Rutland City  
Greshin of Warren  
Hebert of Vernon  
Helm of Fair Haven  
Higley of Lowell  
Howrigan of Fairfield  
Kilmartin of Newport City  
Koch of Barre Town  
Komline of Dorset  
Krebs of South Hero  
Larocque of Barnet  
Lawrence of Lyndon  
Lewis of Berlin

Lewis of Derby  
Marcotte of Coventry  
Martin of Wolcott  
McAllister of Highgate  
McFaun of Barre Town  
McNeil of Rutland Town  
Morrissey of Bennington  
Myers of Essex  
Olsen of Jamaica  
Pearce of Richford  
Peaslee of Guildhall  
Perley of Enosburgh  
Reis of St. Johnsbury  
Savage of Swanton

Scheuermann of Stowe	Sweaney of Windsor	Wright of Burlington
Shaw of Pittsford	Turner of Milton	
Smith of New Haven	Wilson of Manchester	

Those who voted in the negative are:

Ancel of Calais	French of Randolph	Mrowicki of Putney
Andrews of Rutland City	Gilbert of Fairfax	Munger of South Burlington
Atkins of Winooski	Grad of Moretown	Nuovo of Middlebury
Bartholomew of Hartland	Haas of Rochester	O'Brien of Richmond
Bissonnette of Winooski	Head of South Burlington	Partridge of Windham
Bohi of Hartford	Heath of Westford	Pearson of Burlington
Botzow of Pownal	Hooper of Montpelier	Peltz of Woodbury
Branagan of Georgia	Jerman of Essex	Poirier of Barre City
Burke of Brattleboro	Jewett of Ripton	Potter of Clarendon
Campion of Bennington	Johnson of Canaan	Pugh of South Burlington
Cheney of Norwich	Keenan of St. Albans City	Ralston of Middlebury
Christie of Hartford	Kitzmiller of Montpelier	Ram of Burlington
Clarkson of Woodstock	Klein of East Montpelier	Shand of Weathersfield
Condon of Colchester	Kupersmith of South Burlington	Sharpe of Bristol
Conquest of Newbury	Lanpher of Vergennes	South of St. Johnsbury
Copeland-Hanzas of Bradford	Larson of Burlington	Spengler of Colchester
Corcoran of Bennington	Lenes of Shelburne	Stevens of Waterbury
Courcelle of Rutland City	Leriche of Hardwick	Stuart of Brattleboro
Dakin of Chester	Lorber of Burlington	Taylor of Barre City
Davis of Washington	Macaig of Williston	Till of Jericho
Deen of Westminster	Malcolm of Pawlet	Toll of Danville
Donovan of Burlington	Manwaring of Wilmington	Townsend of Randolph
Edwards of Brattleboro	Marek of Newfane	Trieber of Rockingham
Ellis of Waterbury	Martin of Springfield	Waite-Simpson of Essex
Emmons of Springfield	Masland of Thetford	Webb of Shelburne *
Fisher of Lincoln	McCullough of Williston	Weston of Burlington
Font-Russell of Rutland City	Miller of Shaftsbury	Wizowaty of Burlington
Frank of Underhill	Mook of Bennington	Woodward of Johnson
French of Shrewsbury	Moran of Wardsboro	Yantachka of Charlotte
		Young of Albany

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

Aswad of Burlington	Howard of Cambridge	Stevens of Shoreham
Buxton of Royalton	Hubert of Milton	Strong of Albany
Clark of Vergennes	Johnson of South Hero	Winters of Williamstown
Eckhardt of Chittenden	Lippert of Hinesburg	
Evans of Essex	Mitchell of Barnard	

**Rep. Webb of Shelburne** explained her vote as follows:

“Mr. Speaker:

I would have supported this amendment, however I have decided to wait for the more thoughtful solution to this problem that the Ways and Means

Committee has just promised to address.”

Pending the question, Shall the bill be read a third time? **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 bill be read a third time? was decided in the affirmative. Yeas, 90. Nays, 47.

Those who voted in the affirmative are:

Ancel of Calais	Frank of Underhill	McCullough of Williston
Andrews of Rutland City	French of Shrewsbury	Miller of Shaftsbury
Atkins of Winooski	French of Randolph	Mook of Bennington
Bartholomew of Hartland	Gilbert of Fairfax	Moran of Wardsboro
Bissonnette of Winooski	Grad of Moretown	Mrowicki of Putney
Bohi of Hartford	Greshin of Warren	Munger of South Burlington
Botzow of Pownal	Head of South Burlington	Nuovo of Middlebury
Bouchard of Colchester *	Heath of Westford	O'Brien of Richmond
Branagan of Georgia	Hooper of Montpelier	Partridge of Windham
Burke of Brattleboro	Howrigan of Fairfield	Peltz of Woodbury
Buxton of Royalton	Jerman of Essex	Potter of Clarendon
Campion of Bennington	Jewett of Ripton	Pugh of South Burlington
Cheney of Norwich	Johnson of South Hero	Ralston of Middlebury
Christie of Hartford	Keenan of St. Albans City	Ram of Burlington
Clarkson of Woodstock	Kitzmiller of Montpelier	Shand of Weathersfield
Condon of Colchester	Klein of East Montpelier	Sharpe of Bristol
Conquest of Newbury	Krebs of South Hero	Stevens of Waterbury
Consejo of Sheldon	Kupersmith of South	Stuart of Brattleboro
Copeland-Hanzas of	Burlington	Sweaney of Windsor
Bradford	Lanpher of Vergennes	Taylor of Barre City
Courcelle of Rutland City	Larson of Burlington	Till of Jericho
Dakin of Chester	Lenes of Shelburne	Toll of Danville
Deen of Westminster	Leriche of Hardwick	Townsend of Randolph
Dickinson of St. Albans	Lorber of Burlington	Waite-Simpson of Essex
Town	Macaig of Williston	Webb of Shelburne
Donovan of Burlington	Malcolm of Pawlet	Weston of Burlington
Edwards of Brattleboro	Manwaring of Wilmington	Wilson of Manchester
Ellis of Waterbury	Marek of Newfane	Wizowaty of Burlington
Emmons of Springfield	Martin of Springfield	Woodward of Johnson
Fisher of Lincoln	Martin of Wolcott	Yantachka of Charlotte
Font-Russell of Rutland City	Masland of Thetford	Young of Albany

Those who voted in the negative are:

Acinapura of Brandon	Crawford of Burke	Hebert of Vernon
Batchelor of Derby	Davis of Washington	Helm of Fair Haven
Brennan of Colchester	Degree of St. Albans City	Higley of Lowell
Browning of Arlington	Devereux of Mount Holly	Johnson of Canaan
Burditt of West Rutland	Donaghy of Poultney	Kilmartin of Newport City
Canfield of Fair Haven	Donahue of Northfield	Koch of Barre Town
Corcoran of Bennington	Haas of Rochester	Komline of Dorset *

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Larocque of Barnet	Myers of Essex	Scheuermann of Stowe
Lawrence of Lyndon	Olsen of Jamaica	Shaw of Pittsford
Lewis of Berlin	Pearce of Richford	Smith of New Haven
Lewis of Derby	Pearson of Burlington	South of St. Johnsbury
Marcotte of Coventry	Peaslee of Guildhall	Spengler of Colchester
McAllister of Highgate	Perley of Enosburgh	Trieber of Rockingham
McFaun of Barre Town	Poirier of Barre City	Turner of Milton
McNeil of Rutland Town	Reis of St. Johnsbury	Wright of Burlington
Morrissey of Bennington	Savage of Swanton	

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

Aswad of Burlington	Fagan of Rutland City	Mitchell of Barnard
Clark of Vergennes	Howard of Cambridge	Stevens of Shoreham
Eckhardt of Chittenden	Hubert of Milton	Strong of Albany
Evans of Essex	Lippert of Hinesburg	Winters of Williamstown

**Rep. Bouchard of Colchester** explained his vote as follows:

“Mr. Speaker:

I voted for this bill because of section 15, the Colchester TIF, was too important for our town for me to vote against.”

**Rep. Komline of Dorset** explained her vote as follows:

“Mr. Speaker:

This bill increases taxes and I vote no to support our governor's position that we have no more taxing capacity in this state. We can do better.”

### **Bill Amended; Third Reading Ordered**

#### **H. 411**

**Rep. Lawrence of Lyndon**, for the committee on Agriculture, to which had been referred House bill, entitled

An act relating to the application of Act 250 to agricultural fairs

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

Sec. 1. 10 V.S.A. § 6001(3)(D) is amended to read:

(D) The word “development” does not include:

(i) The construction of improvements for farming, logging, or forestry purposes below the elevation of 2,500 feet.

\* \* \*



(iv) The construction of improvements for agricultural fairs that are registered with the agency of agriculture, food and markets and that are open to the public for 60 days per year, or fewer, provided that, ~~any improvements constructed do not include one or more buildings~~ if the improvement is a building, the building was constructed prior to January 1, 2011 and is used solely for the purposes of the agricultural fair.

\* \* \*

Sec. 2. 10 V.S.A. § 6001(34) is added to read:

(34) “Agricultural fair” means an event or activity that is intended to promote farming by:

(A) exhibiting a variety of livestock and agricultural products;

(B) exhibiting arts, equipment, and implements related to farming; or

(C) conducting contests, displays, and demonstrations designed to advance farming and to train or educate farmers, youth, or the public regarding agriculture.

Sec. 3. 10 V.S.A. § 6081(t) is added to read:

(t) A building constructed prior to January 1, 2011 in accordance with subdivision 6001(3)(D)(iv) of this title shall not be subject to an enforcement action under this chapter for:

(1) construction or any event or activity at the building that occurred prior to January 1, 2011; and

(2) any event or activity at the building on or after January 1, 2011 if the building is used solely for the purpose of an agricultural fair.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

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

### **Senate Proposal of Amendment Concurred in**

#### **J.R.S. 20**

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

Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and four Justices of the Supreme Court, three Judges of the Superior Court, and seven Judges of the District Court

The Senate concurs in the House proposal of amendment with the following proposal of amendment thereto:

First: In the title of the resolution after the words "Supreme Court" by striking out the following: ", three" and inserting in lieu thereof the following: and ten and after the words "Superior Court" by striking out the following: ", and seven Judges of the District Court"

Second: In the Resolved Clause after the words "Supreme Court" by striking out the following: ", three" and inserting in lieu thereof the following: and ten and after the words "Superior Court" by striking out the following: ", and seven Judges of the District Court"

Which proposal of amendment was considered and concurred in.

### **Joint Resolution Adopted**

#### **J.R.H. 14**

Joint resolution, entitled

Joint resolution urging Congress and the United States Departments of Labor and of Homeland Security to authorize H-2A visas for 12-month agricultural workers;

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

### **Message from the Senate No. 26**

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 on its part adopted joint resolution of the following title:

**J.R.S. 23.** Joint resolution relating to weekend adjournment.

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

### **Adjournment**

At five o'clock and thirty minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.