

Journal of the House

Friday, April 26, 2013

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

Devotional Exercises

Devotional exercises were conducted by Rev. Mark Pitton of the Bethany Church, Montpelier, Vt.

Message from the Senate No. 50

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. 39. An act relating to the Public Service Board and the Department of Public Service.

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

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

S. 73. An act relating to the moratorium on home health agency certificates of need.

And has concurred therein.

House Bill Introduced

H. 539

Reps. Stevens of Waterbury and Woodward of Johnson introduced a bill, entitled

An act relating to warning labels on beverages

Which was read the first time and referred to the committee on Human Services.

Action on Bill Postponed**H. 270**

House bill, entitled

An act relating to providing access to publicly funded prekindergarten education

Was taken up and pending the reading of the report of the committee on Education, on motion of **Rep. Buxton of Tunbridge**, action on the bill was postponed until the next legislative day.

Proposal of Amendment Agreed to and Third Reading Ordered**S. 30**

Rep. Klein of East Montpelier, for the committee on Natural Resources and Energy, to which had been referred Senate bill, entitled

An act relating to siting of electric generation plants

Reported in favor of its passage in concurrence with proposal of amendment as follows:

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

Sec. 1. LEGISLATIVE REVIEW; SITING POLICY COMMISSION**REPORT**

During adjournment between the 2013 and 2014 sessions of the General Assembly:

(1) The House and Senate Committees on Natural Resources and Energy (the Committees) jointly shall review the report and recommendations of the Governor's Energy Siting Policy Commission created by Executive Order No. 10-12 dated October 2, 2012; may consider any issue related to electric generation plants, including their development, siting, and operation; and may recommend legislation to the General Assembly concerning electric generation plants.

(2) The Committees shall meet jointly for the purposes of this section no more than six times at the call of the chairs. For attendance at these meetings, members of the Committees shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406.

Sec. 2. 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 and the recommendation of proposal of amendment agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Jewett of Ripton** 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, 140. Nays, 3.

Those who voted in the affirmative are:

Ancel of Calais	Evans of Essex	Kupersmith of South Burlington
Bartholomew of Hartland	Fagan of Rutland City	Lanpher of Vergennes
Batchelor of Derby	Fay of St. Johnsbury	Lawrence of Lyndon
Bissonnette of Winooski	Feltus of Lyndon	Lenes of Shelburne
Botzow of Pownal	Fisher of Lincoln	Lewis of Berlin
Bouchard of Colchester	Frank of Underhill	Lippert of Hinesburg
Browning of Arlington	French of Randolph	Macaig of Williston
Burditt of West Rutland	Gage of Rutland City	Malcolm of Pawlet
Burke of Brattleboro	Gallivan of Chittenden	Manwaring of Wilmington
Buxton of Tunbridge	Goodwin of Weston	Marcotte of Coventry
Campion of Bennington	Grad of Moretown	Marek of Newfane
Canfield of Fair Haven	Greshin of Warren	Martin of Springfield
Carr of Brandon	Haas of Rochester	Martin of Wolcott
Cheney of Norwich	Head of South Burlington	Masland of Thetford
Christie of Hartford	Heath of Westford	McCarthy of St. Albans City
Clarkson of Woodstock	Hebert of Vernon	McCormack of Burlington
Cole of Burlington	Helm of Fair Haven	McCullough of Williston
Connor of Fairfield	Higley of Lowell	McFaun of Barre Town
Conquest of Newbury	Hooper of Montpelier	Michelsen of Hardwick
Consejo of Sheldon	Hubert of Milton	Miller of Shaftsbury
Copeland-Hanzas of Bradford	Huntley of Cavendish	Mitchell of Fairfax
Cross of Winooski	Jerman of Essex	Mook of Bennington
Cupoli of Rutland City	Jewett of Ripton	Moran of Wardsboro
Dakin of Chester	Johnson of South Hero	Morrissey of Bennington
Davis of Washington	Johnson of Canaan	Mrowicki of Putney
Deen of Westminster	Juskiewicz of Cambridge	Myers of Essex
Devereux of Mount Holly	Keenan of St. Albans City	Nuovo of Middlebury
Dickinson of St. Albans Town	Kilmartin of Newport City	O'Brien of Richmond
Donaghy of Poultney	Kitzmiller of Montpelier	O'Sullivan of Burlington
Donahue of Northfield	Klein of East Montpelier	Partridge of Windham
Donovan of Burlington	Koch of Barre Town	Pearce of Richford
Emmons of Springfield	Krebs of South Hero	Pearson of Burlington
	Krowinski of Burlington	Peltz of Woodbury

Poirier of Barre City	Stevens of Waterbury	Van Wyck of Ferrisburgh
Potter of Clarendon	Stevens of Shoreham	Vowinkel of Hartford
Pugh of South Burlington	Strong of Albany	Waite-Simpson of Essex
Quimby of Concord	Stuart of Brattleboro	Webb of Shelburne
Rachelson of Burlington	Sweaney of Windsor	Weed of Enosburgh
Ralston of Middlebury	Taylor of Barre City	Wilson of Manchester
Ram of Burlington	Terenzini of Rutland Town	Winters of Williamstown
Russell of Rutland City	Till of Jericho	Wizowaty of Burlington
Savage of Swanton	Toleno of Brattleboro	Woodward of Johnson
Sharpe of Bristol	Toll of Danville	Wright of Burlington
Shaw of Pittsford	Townsend of Randolph	Yantachka of Charlotte
Shaw of Derby	Townsend of South	Young of Glover
Smith of New Haven	Burlington	Zagar of Barnard
South of St. Johnsbury	Trieber of Rockingham	
Spengler of Colchester	Turner of Milton *	

Those who voted in the negative are:

Beyor of Highgate	Komline of Dorset *	Scheuermann of Stowe
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Those members absent with leave of the House and not voting are:

Branagan of Georgia	Condon of Colchester	Larocque of Barnet
Brennan of Colchester	Corcoran of Bennington	Smith of Morristown

Rep. Komline of Dorset explained her vote as follows:

“Mr. Speaker:

I vote no because this bill simply requires that two of our committees do their jobs but that we’ll pay them six times in the off session to do it.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

I vote yes so that the information that my constituents have been seeking, since Georgia Mountain Community Wind first proposed the concept of 400’ tall wind turbines on our scenic Georgia Mountain, may finally be available to other communities facing this in the future. Thank you.”

Recess

At eleven o'clock and fifteen minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

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

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the twenty-sixth day of April, 2013, he approved and signed a bill originating in the House of the following title:

H. 431 An act relating to mediation in foreclosure actions

Proposal of Amendment Agreed to; Bill Read Third Time and Passed in Concurrence With Proposal of Amendment

S. 14

Senate bill, entitled

An act relating to payment of fair-share fees

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

In subsection (a) by adding a sentence at the end to read: "The Secretary shall also study the feasibility of establishing a process by which all public school teachers enter into a statewide employment contract."

Which was disagreed to.

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

By adding Sec. 19a to read:

* * * Livable wage * * *

Sec. 19a. LIVABLE WAGE; SCHOOL EMPLOYEES

By July 1, 2017, each school district or supervisory union in the State shall ensure that its lowest paid employee receive at least the livable wage as calculated by the Joint Fiscal Office pursuant to 2 V.S.A. § 505.

Thereupon, **Rep. Deen of Westminster** raised a Point of Order that the amendment was not germane to the bill, which Point of Order the Speaker ruled well taken.

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

First: By inserting three new sections to be Secs. 20 through 22 to read:

Sec. 20. 16 V.S.A. § 2011 is added to read:

§ 2011. MANDATORY DETERMINATION BY THE VERMONT LABOR RELATIONS BOARD

(a) If the parties' dispute remains unresolved as to any issue on the 15th day after delivery of the fact-finding commission's report under section 2007 of this title or if the parties otherwise agree that they have reached an impasse, each party shall submit to the Vermont Labor Relations Board its last best offer on all undisputed issues, which shall be reviewed and decided upon as a single package. The Labor Relations Board may hold hearings and may consider the recommendations of the fact-finding committee, if one has been activated.

(b) In reaching a decision, the Labor Relations Board shall give weight to all relevant evidence presented by the parties, including:

(1) the lawful authority of the school board;

(2) stipulations of the parties;

(3) the interest and welfare of the public and the financial ability of the school board to pay for increased costs of public services, including the cost of labor;

(4) comparisons of the wages, hours, and conditions of employment of the employees involved in the dispute with the wages, hours, and conditions of employment of other employees performing similar services in public schools in comparable communities or in private employment in comparable communities;

(5) the average consumer prices for goods and services commonly known as the cost of living;

(6) the overall compensation currently received by the employees, including direct wages, benefits, continuity conditions and stability of employment, and all other benefits received; and

(7) the prior negotiations and existing conditions of other school and municipal employees.

(c) Within 30 days of receiving the last best offers of the parties, the Labor Relations Board shall select between the offers, considered in their entirety without amendment, and shall determine the cost of its selection. The Labor Relations Board shall not issue an order under this subsection that is in conflict with any law or rule or that relates to an issue that is not bargainable. The Labor Relations Board shall file one copy of the decision with the relevant municipal clerk or clerks and the negotiations councils. Except as provided in

subsection (d) of this section, the decision of the Labor Relations Board shall be final and binding on the parties.

(d) The parties shall share equally all mutually incurred costs incidental to this section.

(e) Upon application of a party, a superior court shall vacate an award on the same grounds as set forth in 21 V.S.A. § 1733(d) and according to the same procedures as set forth in 21 V.S.A. § 1733(e).

(f) Upon application by either party, a superior court may issue a temporary restraining order or other injunctive relief and may award costs including reasonable attorney's fees in connection with any action taken by a representative organization, its officials, or its members or by a school board or its representative in violation of this section, including engaging in a strike, which shall have the same meaning as in 21 V.S.A. § 1722, and the imposition of contractual terms.

Sec. 21. 3 V.S.A. § 924(e) is amended to read:

(e) In addition to its responsibilities under this chapter, the ~~board~~ Board shall carry out the responsibilities given to it under 16 V.S.A. chapter 57, 21 V.S.A. chapters 19 and 22, and chapter 28 of this title and when so doing shall exercise the powers and follow the procedures set out in that chapter.

Sec. 22. REPEAL

The following sections of Title 16 are repealed:

- (1) § 2008 (finality of school board decisions);
- (2) § 2010 (injunctions granted only if action poses clear and present danger);
- (3) § 2021 (negotiated binding interest arbitration);
- (4) § 2022 (selection and decision of arbitrator);
- (5) § 2023 (jurisdiction of arbitrator);
- (6) § 2024 (judicial appeal);
- (7) § 2025 (factors to be considered by the arbitrator);
- (8) § 2026 (notice of award); and
- (9) § 2027 (fees and expenses of arbitration).

Second: By renumbering the original Sec. 20 to be Sec. 23 and in Sec. 23, after the final period, by inserting a new sentence to read: "Secs. 20-22 of this act (mandatory binding arbitration; strikes) shall take effect on July 1, 2013

and apply to negotiations beginning on or after that date for collective bargaining agreements for fiscal year 2015 and after.”

Thereupon, **Rep. Wright of Burlington** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. Marcotte of Coventry** moved to amend the House proposal of amendment as follows:

First: By adding Sec. 5a to read:

Sec. 5a. 3 V.S.A. § 1008 is added to read:

§ 1008. CONTRACT RATIFICATION; ANNUAL VOTE

Annually, the employees of the bargaining unit shall meet and discuss whether employees who have chosen not to join the employee organization shall be allowed to vote on the ratification of any collective bargaining agreement entered into pursuant to this chapter. After discussion, employees that are members of the employee organization shall vote on whether to allow employees who have chosen not to join the employee organization to vote on the ratification of any collective bargaining agreement.

Second: By adding Sec. 9a to read:

Sec. 9a. 3 V.S.A. § 1044 is added to read:

§ 1044. CONTRACT RATIFICATION; ANNUAL VOTE

Annually, the employees of the bargaining unit shall meet and discuss whether employees who have chosen not to join the employee organization shall be allowed to vote on the ratification of any collective bargaining agreement entered into pursuant to this chapter. After discussion, employees that are members of the employee organization shall vote on whether to allow employees who have chosen not to join the employee organization to vote on the ratification of any collective bargaining agreement.

Third: By adding Sec. 13a to read:

Sec. 13a. 16 V.S.A. § 2028 is added to read:

§ 2028. CONTRACT RATIFICATION; ANNUAL VOTE

Annually, the employees of the bargaining unit shall meet and discuss whether employees who have chosen not to join the employee organization shall be allowed to vote on the ratification of any collective bargaining agreement entered into pursuant to this chapter. After discussion, employees that are members of the employee organization shall vote on whether to allow

employees who have chosen not to join the employee organization to vote on the ratification of any collective bargaining agreement.

Fourth: By adding Sec. 15a to read:

Sec. 15a. 21 V.S.A. § 1624 is added to read:

§ 1624. CONTRACT RATIFICATION; ANNUAL VOTE

Annually, the employees of the bargaining unit shall meet and discuss whether employees who have chosen not to join the employee organization shall be allowed to vote on the ratification of any collective bargaining agreement entered into pursuant to this chapter. After discussion, employees that are members of the employee organization shall vote on whether to allow employees who have chosen not to join the employee organization to vote on the ratification of any collective bargaining agreement.

Fifth: By adding Sec. 18a to read:

Sec. 18a. 21 V.S.A. § 1736 is added to read:

§ 1736. CONTRACT RATIFICATION; ANNUAL VOTE

Annually, the employees of the bargaining unit shall meet and discuss whether employees who have chosen not to join the employee organization shall be allowed to vote on the ratification of any collective bargaining agreement entered into pursuant to this chapter. After discussion, employees that are members of the employee organization shall vote on whether to allow employees who have chosen not to join the employee organization to vote on the ratification of any collective bargaining agreement.

Which was agreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. 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 pass in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 85. Nays, 53.

Those who voted in the affirmative are:

Ancel of Calais	Cheney of Norwich	Copeland-Hanzas of
Bissonnette of Winooski	Christie of Hartford	Bradford
Botzow of Pownal	Clarkson of Woodstock	Davis of Washington
Burke of Brattleboro	Cole of Burlington	Deen of Westminster
Buxton of Tunbridge	Connor of Fairfield	Donovan of Burlington
Campion of Bennington	Consejo of Sheldon	Ellis of Waterbury
Carr of Brandon		Emmons of Springfield

Evans of Essex	Marcotte of Coventry	Russell of Rutland City
Fay of St. Johnsbury	Marek of Newfane	Sharpe of Bristol
Fisher of Lincoln	Martin of Springfield	South of St. Johnsbury
Frank of Underhill	Martin of Wolcott	Spengler of Colchester
French of Randolph	McCarthy of St. Albans City	Stevens of Waterbury
Gallivan of Chittenden	McCormack of Burlington	Stuart of Brattleboro
Grad of Moretown	McCullough of Williston	Sweaney of Windsor
Haas of Rochester	McFaun of Barre Town	Taylor of Barre City
Head of South Burlington	Michelsen of Hardwick	Terenzini of Rutland Town
Heath of Westford	Miller of Shaftsbury	Toleno of Brattleboro
Hooper of Montpelier	Mook of Bennington	Toll of Danville
Jerman of Essex	Moran of Wardsboro	Townsend of South Burlington
Jewett of Ripton	Mrowicki of Putney	Trieber of Rockingham
Keenan of St. Albans City	Nuovo of Middlebury	Waite-Simpson of Essex
Kitzmiller of Montpelier	O'Sullivan of Burlington *	Webb of Shelburne
Klein of East Montpelier	Partridge of Windham	Weed of Enosburgh
Krowinski of Burlington	Pearson of Burlington *	Wizowaty of Burlington
Kupersmith of South Burlington	Peltz of Woodbury	Woodward of Johnson
Lanpher of Vergennes	Poirier of Barre City	Yantachka of Charlotte
Lenes of Shelburne	Pugh of South Burlington	Young of Glover
Lippert of Hinesburg	Rachelson of Burlington	Zagar of Barnard
Macaig of Williston	Ralston of Middlebury	
	Ram of Burlington	

Those who voted in the negative are:

Beyor of Highgate	Greshin of Warren	Morrissey of Bennington
Bouchard of Colchester	Hebert of Vernon	Myers of Essex
Browning of Arlington *	Helm of Fair Haven	O'Brien of Richmond
Burditt of West Rutland	Higley of Lowell	Pearce of Richford
Canfield of Fair Haven	Hubert of Milton	Potter of Clarendon
Condon of Colchester	Huntley of Cavendish	Quimby of Concord
Cross of Winooski	Johnson of South Hero	Savage of Swanton
Cupoli of Rutland City	Johnson of Canaan	Scheuermann of Stowe
Dakin of Chester	Juskiewicz of Cambridge	Shaw of Pittsford
Devereux of Mount Holly	Kilmartin of Newport City	Shaw of Derby
Dickinson of St. Albans Town	Koch of Barre Town	Smith of New Haven
Donaghy of Poultney	Komline of Dorset	Stevens of Shoreham
Donahue of Northfield *	Krebs of South Hero	Strong of Albany
Fagan of Rutland City	Lawrence of Lyndon	Turner of Milton
Feltus of Lyndon	Lewis of Berlin	Van Wyck of Ferrisburgh
Gage of Rutland City	Malcolm of Pawlet	Wilson of Manchester
Goodwin of Weston	Manwaring of Wilmington	Winters of Williamstown
	Mitchell of Fairfax	Wright of Burlington

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

Bartholomew of Hartland	Conquest of Newbury	Till of Jericho
Batchelor of Derby	Corcoran of Bennington	Townsend of Randolph
Branagan of Georgia	Larocque of Barnet	Vowinkel of Hartford
Brennan of Colchester	Masland of Thetford	

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

I vote no because it is unfair for the legislature to change the terms of employment for current employees like this. Agency fees should have been left to the collective bargaining process.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

I quote from comments by others on the floor yesterday: it is a gross abuse of government power to force payments to a private organization by people who do not wish to join. I will not participate in that abuse.”

Rep. O’Sullivan of Burlington explained her vote as follows:

“Mr. Speaker:

I support this bill because it is time. Our state, municipal and educational institutions have been unionized for years. Over all of those years every new hire has known they are accepting a position in a union shop. Over all those years those new hires accepted their benefits and expected their workplace rights to be upheld.

Many have referred to the high cost of union dues. They have talked about a windfall coming to the unions. They are right. Every union member is finally getting a break after all those years of paying for everybody else.

I supported fair share because it’s time.”

Rep. Pearson of Burlington explained his vote as follows:

“Mr. Speaker:

As someone who often urges more action at a faster pace, I have to acknowledge this bill is stronger and goes further than the bill we nearly passed on the last day of session, last biennium. Thank you for your leadership and the good work of your committee.”

Proposal of Amendment Agreed to; Third Reading Ordered**S. 31**

Rep. Koch of Barre Town, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to prohibiting a court from consideration of interests in revocable trusts or wills when making a property settlement in a divorce proceeding

Reported in favor of its passage in concurrence with proposal of amendment as follows:

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

Sec. 1. 15 V.S.A. § 751 is amended to read:

§ 751. PROPERTY SETTLEMENT

(a) Upon motion of either party to a proceeding under this chapter, the court shall settle the rights of the parties to their property, by including in its judgment provisions which equitably divide and assign the property. All property owned by either or both of the parties, however and whenever acquired, shall be subject to the jurisdiction of the court. Title to the property, whether in the names of the husband, the wife, both parties, or a nominee, shall be immaterial, except where equitable distribution can be made without disturbing separate property.

(b) In making a property settlement the court may consider all relevant factors, including ~~but not limited to~~:

- (1) the length of the civil marriage;
- (2) the age and health of the parties;
- (3) the occupation, source, and amount of income of each of the parties;
- (4) vocational skills and employability;
- (5) the contribution by one spouse to the education, training, or increased earning power of the other;
- (6) the value of all property interests, liabilities, and needs of each party;
- (7) whether the property settlement is in lieu of or in addition to maintenance;
- (8) the opportunity of each for future acquisition of capital assets and income; For purposes of this subdivision:

(A) The court may consider the parties' lifestyle and decisions made during the marriage and any other competent evidence as related to their expectations of gifts or an inheritance. The court shall not speculate as to the value of an inheritance or make a finding as to its value unless there is competent evidence of such value.

(B) A party's interest in an inheritance that has not yet vested and is capable of modification or divestment shall not be included in the marital estate.

(C) Notwithstanding any other provision of this subdivision (8), a person who is not a party to the divorce shall not be subject to any subpoena to provide documentation or to give testimony about:

(i) his or her assets, income, or net worth, unless it relates to a party's interest in an instrument that is vested and not capable of modification or divestment; or

(ii) his or her revocable estate planning instruments, including interests that pass at death by operation of law or by contract, unless a party's interest in an instrument is vested and not capable of modification or divestment.

(D) This subdivision (8) shall not be construed to limit the testimony given by the parties themselves or what can be obtained through discovery of the parties;

(9) the desirability of awarding the family home or the right to live there for reasonable periods to the spouse having custody of the children;

(10) the party through whom the property was acquired;

(11) the contribution of each spouse in the acquisition, preservation, and depreciation or appreciation in value of the respective estates, including the nonmonetary contribution of a spouse as a homemaker; and

(12) the respective merits of the parties.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

and that after passage the title of the bill be amended to read: "An act relating to consideration of interests in revocable estate planning instruments when making a property settlement in a divorce proceeding"

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

Senate Proposal of Amendment Concurred in

H. 280

The Senate proposed to the House to amend House bill, entitled
An act relating to payment of wages

First: In Sec. 1, 21 V.S.A. § 341, in subdivision (5), by striking out the word “bonuses” and inserting in lieu thereof incentive pay

Second: By striking Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read:

Sec. 2. 21 V.S.A. § 342 is amended to read:

§ 342. WEEKLY PAYMENT OF WAGES

(a)(1) Any ~~person~~ employer having one or more employees doing and transacting business within the ~~state~~ State shall pay each week, in lawful money or checks, the wages earned by each employee to a day not more than six days prior to the date of such payment.

(2) After giving written notice to the employee or employees, any ~~person~~ employer having an employee or employees doing and transacting business within the ~~state~~ State may, notwithstanding subdivision (1) of this subsection, pay biweekly or semimonthly in lawful money or checks, each employee the wages earned by the employee to a day not more than six days prior to the date of the payment. If a collective bargaining agreement so provides, the payment may be made to a day not more than 13 days prior to the date of payment.

* * *

Third: In Sec. 3, 21 V.S.A. § 342a, in subsection (f), by inserting a sentence at the end of the subsection to read: The costs of transcription shall be paid by the requesting party.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 401

The Senate proposed to the House to amend House bill, entitled
An act relating to municipal and regional planning and flood resilience

First: In Sec. 1, 24 V.S.A. § 4302, in subdivision (c)(14)(A), in the second sentence, by striking out the words “should be constructed to withstand”

flooding and fluvial erosion and”, and by inserting after the words “exacerbate flooding” the words and fluvial erosion

Second: In Sec. 3, 24 V.S.A. § 4348a, in subdivision (a)(11)(A)(i), by striking out the words “that should” and inserting in lieu thereof the word to

Third: In Sec. 4, 24 V.S.A. § 4382, in subdivision (a)(12)(A)(i), by striking out the words “that should” and inserting in lieu thereof the word to

Fourth: By striking out Sec. 8 in its entirety and inserting in lieu thereof:

Sec. 8. EFFECTIVE DATES

(a) This section and Secs. 5 (required provisions and prohibited effects) and 6 (regulation of accessory dwelling units) of this act shall take effect on passage.

(b) Secs. 1 (purpose; goals), 2 (flood hazard area), 3 (elements of a regional plan), 4 (the plan for a municipality), and 7 (river corridors and buffers) of this act shall take effect on July 1, 2014.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 406

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

An act relating to listers and assessors

First: By adding a new section to be Sec. 3a to read:

Sec. 3a. 17 V.S.A. § 2651b is amended to read:

§ 2651b. ELIMINATION OF OFFICE OF AUDITOR; APPOINTMENT OF PUBLIC ACCOUNTANT

* * *

(c) The authority to vote to eliminate the office of town auditor as provided in this section shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of town auditor.

Second: By adding a new section to be Sec. 3b to read:

Sec. 3b. REPEAL

1998 Acts and Resolves No. 83, Sec. 9 (municipal charters) is repealed.

Third: In Sec. 4 (amending 17 V.S.A. § 2651c), by striking out subdivision (4) in its entirety and inserting in lieu thereof the following:

(4) The authority to vote to eliminate the office of lister as provided in this subsection shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of lister.

and that after passage the title of the bill be amended to read: “An act relating to town listers, assessors, and auditors”.

Which proposal of amendment was considered and concurred in.

Message from the Senate No. 51

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. 533. An act relating to capital construction and state bonding.

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

Message from the Senate No. 52

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. 518. An act relating to miscellaneous amendments to Vermont retirement laws.

And has passed the same in concurrence.

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

H.C.R. 116. House concurrent resolution commemorating the second annual Turkic Cultural Day in Vermont.

H.C.R. 117. House concurrent resolution designating April 19, 2013 as Alzheimer’s Awareness Day at the State House.

H.C.R. 118. House concurrent resolution designating April 2013 as the

month of the military child in Vermont.

H.C.R. 119. House concurrent resolution in memory of Richard Swift of Barre Town.

H.C.R. 120. House concurrent resolution commemorating the sestercentennial of the Town of Stowe.

H.C.R. 121. House concurrent resolution celebrating Latchis Arts' 10th anniversary as the owner of the Latchis Hotel and Theatre.

H.C.R. 122. House concurrent resolution commemorating the sestercentennial of the Town of Swanton.

Adjournment

At two o'clock and fifteen minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Monday, April 29, 2013, at one o'clock in the afternoon.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 116

House concurrent resolution commemorating the second annual Turkic Cultural Day in Vermont;

H.C.R. 117

House concurrent resolution designating April 19, 2013 as Alzheimer's Awareness Day at the State House;

H.C.R. 118

House concurrent resolution designating April 2013 as the month of the military child in Vermont;

H.C.R. 119

House concurrent resolution in memory of Richard Swift of Barre Town;

H.C.R. 120

House concurrent resolution commemorating the sestercentennial of the Town of Stowe;

H.C.R. 121

House concurrent resolution celebrating Latchis Arts' 10th anniversary as the owner of the Latchis Hotel and Theatre;

H.C.R. 122

House concurrent resolution commemorating the sestercentennial of the Town of Swanton;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2013, seventy-second Adjourned session.]