

Journal of the House

Thursday, February 21, 2013

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

Devotional Exercises

Devotional exercises were conducted by Rev. Michael Augustinowicz of St. Augustine Church, Montpelier, Vt.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 314

By Reps. Stevens of Waterbury, Burke of Brattleboro, Buxton of Tunbridge, Krowinski of Burlington, McCullough of Williston, Moran of Wardsboro, O'Sullivan of Burlington, Pearson of Burlington, Poirier of Barre City, Ram of Burlington, Stuart of Brattleboro, Till of Jericho, Townsend of South Burlington, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to independent direct support providers;

To the committee on General, Housing and Military Affairs.

H. 315

By Reps. Komline of Dorset, Poirier of Barre City, Pearson of Burlington, Champion of Bennington, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Dakin of Chester, Fisher of Lincoln, Jerman of Essex, Johnson of South Hero, Keenan of St. Albans City, Kitzmiller of Montpelier, Lippert of Hinesburg, Macaig of Williston, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, Michelsen of Hardwick, Partridge of Windham, Pugh of South Burlington, Ram of Burlington, Stevens of Shoreham, Toleno of Brattleboro, Trieber of Rockingham and Wizowaty of Burlington,

House bill, entitled

An act relating to group health coverage for same-sex spouses;

To the committee on Health Care.

H. 316

By Rep. Poirier of Barre City,

House bill, entitled

An act relating to transitional assistance for recipients of public assistance;

To the committee on Human Services.

H. 317

By Reps. McCullough of Williston and Webb of Shelburne,

House bill, entitled

An act relating to the prohibition of pesticide application under right-of-way permits in proximity to surface waters, culverts, signage, and ditches;

To the committee on Fish, Wildlife & Water Resources.

H. 318

By Reps. Wright of Burlington, Buxton of Tunbridge, Condon of Colchester and Komline of Dorset,

House bill, entitled

An act relating to the requirement of mandatory binding arbitration and to the elimination of strikes and imposed contracts in connection with the collective bargaining for teachers' and school administrators' contracts;

To the committee on Education.

H. 319

By Reps. Wright of Burlington, Buxton of Tunbridge, Komline of Dorset, McCarthy of St. Albans City and Savage of Swanton,

House bill, entitled

An act relating to campaign finance reporting and disclaimers;

To the committee on Government Operations.

H. 320

By Rep. Wright of Burlington,

House bill, entitled

An act relating to a citizens' initiative process;

To the committee on Government Operations.

H. 321

By Reps. Helm of Fair Haven, Beyor of Highgate, Bouchard of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Fagan of Rutland City, Gage of Rutland City, Higley of Lowell, Hubert of Milton, Pearce of Richford and Winters of Williamstown,

House bill, entitled

An act relating to use of all-terrain vehicles on state lands for purposes of hunting by persons 65 years of age or older;

To the committee on Fish, Wildlife & Water Resources.

H. 322

By Reps. Helm of Fair Haven, Beyor of Highgate, Pearce of Richford and Winters of Williamstown,

House bill, entitled

An act relating to studying the siting of wind electric generation in lakes;

To the committee on Natural Resources and Energy.

H. 323

By Reps. Masland of Thetford, Cheney of Norwich, Christie of Hartford, McCullough of Williston, Russell of Rutland City, Stevens of Shoreham and Yantachka of Charlotte,

House bill, entitled

An act relating to shared parental rights and responsibilities;

To the committee on Judiciary.

H. 324

By Reps. Masland of Thetford, Carr of Brandon, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Connor of Fairfield, Conquest of Newbury, Dakin of Chester, Evans of Essex, French of Randolph, Goodwin of Weston, Keenan of St. Albans City, Lanpher of Vergennes, Lenes of Shelburne, Macaig of Williston, McCarthy of St. Albans City, O'Sullivan of Burlington, Till of Jericho, Townsend of South Burlington and Waite-Simpson of Essex,

House bill, entitled

An act relating to fish and wildlife license agents' use of Internet connections provided by the state lottery;

To the committee on Government Operations.

H. 325

By Reps. Masland of Thetford, Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Ellis of Waterbury, French of Randolph, McCormack of Burlington, Sharpe of Bristol, Spengler of Colchester, Stevens of Shoreham, Till of Jericho, Waite-Simpson of Essex, Webb of Shelburne, Yantachka of Charlotte and Zagar of Barnard,

House bill, entitled

An act relating to a bill of rights for children of arrested and incarcerated parents;

To the committee on Commerce and Economic Development.

H. 326

By Rep. Campion of Bennington,

House bill, entitled

An act relating to the impacts of wind energy generation facilities on migratory birds;

To the committee on Fish, Wildlife & Water Resources.

H. 327

By Rep. Cheney of Norwich,

House bill, entitled

An act relating to the adoption of rules to limit unnecessary idling of motor vehicles;

To the committee on Natural Resources and Energy.

H. 328

By Rep. Till of Jericho,

House bill, entitled

An act relating to improving the oral health of Vermonters;

To the committee on Human Services.

H. 329

By Reps. Clarkson of Woodstock, Johnson of Canaan, Malcolm of Pawlet, Stevens of Shoreham, Webb of Shelburne and Winters of Williamstown,

House bill, entitled

An act relating to the Use Value Program;

To the committee on Ways and Means.

H. 330

By Reps. Campion of Bennington, Buxton of Tunbridge and Miller of Shaftsbury,

House bill, entitled

An act relating to an exemption from Vermont's meals tax for nonprofit institutions;

To the committee on Ways and Means.

H. 331

By Reps. Pugh of South Burlington, Batchelor of Derby, Burditt of West Rutland, Donahue of Northfield, Frank of Underhill, French of Randolph, Haas of Rochester, Krowinski of Burlington, McFaun of Barre Town, Mrowicki of Putney and Trieber of Rockingham,

House bill, entitled

An act relating to a systemic response to opioid addiction;

To the committee on Human Services.

H. 332

By Rep. Campion of Bennington,

House bill, entitled

An act relating to dental services in Green Mountain Care;

To the committee on Health Care.

H. 333

By Rep. Cheney of Norwich,

House bill, entitled

An act relating to electric vehicles and air pollution control rules;

To the committee on Natural Resources and Energy.

H. 334

By Reps. Townsend of Randolph, Consejo of Sheldon, Evans of Essex, Martin of Wolcott, Stevens of Waterbury and Townsend of South Burlington,

House bill, entitled

An act relating to trespass for skiing off designated trails;

To the committee on Judiciary.

H. 335

By Rep. Till of Jericho,
House bill, entitled
An act relating to procedures related to firearms;
To the committee on Judiciary.

H. 336

By Rep. Till of Jericho,
House bill, entitled
An act relating to felony crimes involving firearms;
To the committee on Judiciary.

H. 337

By Rep. Botzow of Pownal,
House bill, entitled
An act relating to adopting the Uniform Manufactured Housing Act;
To the committee on General, Housing and Military Affairs.

H. 338

By Reps. Wizowaty of Burlington, Ancel of Calais, Bissonnette of Winooski, Clarkson of Woodstock, Cole of Burlington, Connor of Fairfield, Cross of Winooski, Dakin of Chester, Evans of Essex, French of Randolph, Hooper of Montpelier, Marek of Newfane, McCarthy of St. Albans City, Miller of Shaftsbury, Moran of Wardsboro, O'Sullivan of Burlington, Ram of Burlington and Till of Jericho,

House bill, entitled

An act relating to increasing efficiency in state government finance and lending operations;

To the committee on Government Operations.

H. 339

By Reps. Moran of Wardsboro, South of St. Johnsbury, Christie of Hartford, Consejo of Sheldon, Davis of Washington, Macaig of Williston and Pearson of Burlington,

House bill, entitled

An act relating to requiring employment breaks;

To the committee on General, Housing and Military Affairs.

H. 340

By Reps. Sharpe of Bristol, Christie of Hartford, Cole of Burlington, Davis of Washington, Donovan of Burlington, Evans of Essex, Hooper of Montpelier, Lenex of Shelburne, Moran of Wardsboro, Poirier of Barre City, Till of Jericho and Townsend of South Burlington,

House bill, entitled

An act relating to adjustment of unemployment compensation benefits;

To the committee on Commerce and Economic Development.

H. 341

By Rep. Moran of Wardsboro,

House bill, entitled

An act relating to gun silencers;

To the committee on Judiciary.

H. 342

By Rep. Moran of Wardsboro,

House bill, entitled

An act relating to recovering noneconomic damages for an intentional killing of a pet;

To the committee on Judiciary.

Consideration Interrupted by Recess

H. 265

House bill, entitled

An act relating to the education property tax rates and base education amount for fiscal year 2014

Was taken up and pending third reading of the bill, **Rep. Browning of Arlington** moved to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FISCAL YEAR 2014 EDUCATION PROPERTY TAX RATES AND APPLICABLE PERCENTAGE

(a) For fiscal year 2014 only, the education property tax imposed under 32 V.S.A. § 5402(a) shall be reduced from the rates of \$1.59 and \$1.10 and shall instead be at the following rates:

(1) the tax rate for nonresidential property shall be \$1.43 per \$100.00; and

(2) the tax rate for homestead property shall be \$0.93 multiplied by the district spending adjustment for the municipality per \$100.00 of equalized property value as most recently determined under 32 V.S.A. § 5405.

(b) For claims filed in 2014 only, “applicable percentage” in 32 V.S.A. § 6066(a)(2) shall be reduced from 2.0 percent and instead shall be 1.80 percent multiplied by the fiscal year 2014 district spending adjustment for the municipality in which the homestead residence is located; but in no event shall the applicable percentage be less than 1.80 percent.

Sec. 2. FISCAL YEAR 2014 BASE EDUCATION AMOUNT

As provided in 16 V.S.A. § 4011(b), the base education amount for fiscal year 2014 shall be \$9,151.00.

Sec. 3. TRANSFER OF FUNDS

Notwithstanding any provision to the contrary, any funds appropriated to the Secretary of Administration under 2012 Acts and Resolves No. 162, Sec. C.205 reserved for transfer to the Department of Building and General Services shall instead be transferred to the Education Fund.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage and apply to education property tax rates and the base education amount for fiscal year 2014.

Pending the question, Shall the House amend the bill as recommended by Rep. Browning of Arlington?

Recess

At one o'clock and thirty minutes in the afternoon, the Speaker declared a recess until one o'clock and fifty minutes in the afternoon.

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

Consideration Resumed; Bill Amended; Read the Third Time and Passed

H. 265

Consideration resumed on House bill, entitled

An act relating to the education property tax rates and base education amount for fiscal year 2014

Pending the question, Shall the bill be amended as recommended by Rep. Browning of Arlington? **Rep. Browning of Arlington** 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. Browning of Arlington? was decided in the negative. Yeas, 28. Nays, 110.

Those who voted in the affirmative are:

Batchelor of Derby	Hubert of Milton	Scheuermann of Stowe
Bouchard of Colchester	Kilmartin of Newport City	Smith of New Haven
Brennan of Colchester	Koch of Barre Town	Stevens of Shoreham
Browning of Arlington *	Komline of Dorset	Strong of Albany
Cupoli of Rutland City	Larocque of Barnet	Terenzini of Rutland Town
Devereux of Mount Holly	Lewis of Berlin	Van Wyck of Ferrisburgh
Donaghy of Poultney	Morrissey of Bennington	Yantachka of Charlotte
Gallivan of Chittenden	Myers of Essex	Zagar of Barnard
Hebert of Vernon	Quimby of Concord	
Higley of Lowell	Savage of Swanton	

Those who voted in the negative are:

Ancel of Calais	Fagan of Rutland City	Lenes of Shelburne
Bartholomew of Hartland	Fay of St. Johnsbury	Lippert of Hinesburg
Beyor of Highgate	Feltus of Lyndon	Macaig of Williston
Bissonnette of Winooski	Fisher of Lincoln	Malcolm of Pawlet
Branagan of Georgia	Frank of Underhill	Manwaring of Wilmington
Burditt of West Rutland	French of Randolph	Marek of Newfane
Burke of Brattleboro	Gage of Rutland City	Martin of Wolcott
Buxton of Tunbridge	Goodwin of Weston	Masland of Thetford
Campion of Bennington	Grad of Moretown	McCarthy of St. Albans City
Canfield of Fair Haven	Greshin of Warren	McCormack of Burlington
Carr of Brandon	Haas of Rochester	McCullough of Williston
Cheney of Norwich	Head of South Burlington	Michelsen of Hardwick
Christie of Hartford	Heath of Westford	Miller of Shaftsbury
Clarkson of Woodstock	Helm of Fair Haven	Mook of Bennington
Cole of Burlington	Hooper of Montpelier	Moran of Wardsboro
Condon of Colchester	Huntley of Cavendish	Mrowicki of Putney
Connor of Fairfield	Jerman of Essex	Nuovo of Middlebury
Conquest of Newbury	Jewett of Ripton	O'Brien of Richmond
Consejo of Sheldon	Johnson of South Hero	O'Sullivan of Burlington
Corcoran of Bennington	Johnson of Canaan	Partridge of Windham
Cross of Winooski	Juskiewicz of Cambridge	Pearce of Richford
Dakin of Chester	Keenan of St. Albans City	Pearson of Burlington
Davis of Washington	Kitzmiller of Montpelier	Peltz of Woodbury
Deen of Westminster	Klein of East Montpelier	Poirier of Barre City
Donahue of Northfield	Krebs of South Hero	Potter of Clarendon
Donovan of Burlington	Krowinski of Burlington	Pugh of South Burlington
Ellis of Waterbury	Kupersmith of South Burlington	Rachelson of Burlington
Emmons of Springfield		Ralston of Middlebury
Evans of Essex	Lawrence of Lyndon	Ram of Burlington

Russell of Rutland City	Till of Jericho	Webb of Shelburne
Sharpe of Bristol	Toleno of Brattleboro	Weed of Enosburgh
Shaw of Pittsford	Toll of Danville	Wilson of Manchester
Shaw of Derby	Townsend of Randolph	Winters of Williamstown
South of St. Johnsbury	Townsend of South	Wizowaty of Burlington
Stevens of Waterbury	Burlington	Wright of Burlington
Stuart of Brattleboro	Trieber of Rockingham	Young of Glover
Sweaney of Windsor	Vowinkel of Wilder	
Taylor of Barre City	Waite-Simpson of Essex	

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

Botzow of Pownal	Lanpher of Vergennes	Spengler of Colchester
Copeland-Hanzas of Bradford	Marcotte of Coventry	Turner of Milton
Dickinson of St. Albans Town	Martin of Springfield	Woodward of Johnson
	McFaun of Barre Town	
	Mitchell of Fairfax	

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

I regret that my attempt to ease the burden of the property tax rates on Vermonters has failed. I regret that the House has again put state needs and priorities above those of property taxpayers and again shirked a chance to fulfill their responsibility to fund their share of education.”

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

First: By striking Sec. 3 (effective date) and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. 32 V.S.A. § 3760 is amended to read:

§ 3760. ~~PAYMENT TO MUNICIPALITIES~~ REIMBURSEMENT

PAYMENTS

* * *

(d) Annually, there shall be a transfer from the General Fund to the Education Fund in an amount equal to the loss of statewide education property tax revenue for that year based on use value of enrolled property as compared to the statewide education property tax revenue for that year based on fair market value of enrolled property.

Second: By adding a Sec. 4 to read:

Sec. 4. TRANSITION TO REIMBURSEMENT PAYMENTS

(a) For fiscal year 2015, there shall be a transfer from the General Fund to the Education Fund in an amount equal to one-quarter of the loss of statewide education property tax revenue for that year based on use value of enrolled property as compared to the statewide education property tax revenue for that year based on fair market value of enrolled property.

(b) For fiscal year 2016, there shall be a transfer from the General Fund to the Education Fund in an amount equal to one-half of the loss of statewide education property tax revenue for that year based on use value of enrolled property as compared to the statewide education property revenue for that year based on fair market value of enrolled property.

(c) For fiscal year 2017, there shall be a transfer from the General Fund to the Education Fund in an amount equal to three-quarters of the loss of statewide education property tax revenue for that year based on use value of enrolled property as compared to the statewide education property tax revenue for that year based on fair market value of enrolled property.

Third: By adding a Sec. 5 to read:

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 1 (property tax rates), 2 (education base rate), and 4 (reimbursement transition) of this act shall take effect on passage and apply to education property tax rates and the base education amount for fiscal year 2015, and the budget for fiscal years 2015, 2016, and 2017.

(b) Sec. 3 (reimbursement payments) of this act shall take effect July 1, 2017 and apply to fiscal year 2018 and forward.

Which was disagreed to.

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

First: By striking Sec. 3 (effective date) in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. REPEAL

It is the intent of the General Assembly to replace the education funding system current in law with a new system of education financing by the 2015–2016 school year. In order to achieve that goal:

(1) 32 V.S.A. chapter 135 is repealed.

(2) 32 V.S.A. chapter 154 is repealed.

Second: By adding a Sec. 4 to read:

Sec. 4 EFFECTIVE DATES

(a) This section and Secs. 1 (property tax rates) and 2 (base education amount) of this act shall take effect on passage and apply to education property tax rates and the base education amount for fiscal year 2014.

(b) Sec. 3 (repeal) of this act shall take effect July 1, 2015.

Pending the question, Shall the House amend the bill as recommended by Rep. Scheuermann of Stowe?

Recess

At three o'clock and five 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; Read the Third Time and Passed****H. 265**

Consideration resumed on House bill, entitled

An act relating to the education property tax rates and base education amount for fiscal year 2014;

The recurring question, Shall the House amend the bill as recommended by Rep. Scheuermann of Stowe? **Rep. Lippert of Hinesburg** moved to substitute an amendment for that offered by Rep. Scheuermann of Stowe as follows:

First: By striking Sec. 3 (effective date) in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. INTENT FOR EDUCATION FUNDING

It is the intent of the General Assembly to examine our current education funding system. In order to achieve that goal, the House Committee on Ways and Means will continue their efforts to address concerns regarding education property taxes, including the financing, oversight, and educational outcomes of our current system and shall report its findings to the General Assembly by March 15, 2014 with the goal of implementing any statutory changes for the 2015-2016 school year.

Second: By adding a Sec. 4 to read:

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage and apply to education property tax rates and the base education amount for fiscal year 2014.

Pending the question, Shall the amendment as offered by Rep. Lippert of Hinesburg be substituted for the amendment offered by Rep. Scheuermann of Stowe? **Rep. Savage of Swanton** 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 as offered by Rep. Lippert of Hinesburg be substituted for the amendment offered by Rep. Scheuermann of Stowe? was decided in the affirmative. Yeas, 92. Nays, 50.

Those who voted in the affirmative are:

Ancel of Calais	Head of South Burlington	O'Sullivan of Burlington
Bartholomew of Hartland	Heath of Westford	Partridge of Windham
Bissonnette of Winooski	Hooper of Montpelier	Peltz of Woodbury
Botzow of Pownal	Huntley of Cavendish	Potter of Clarendon
Burke of Brattleboro	Jerman of Essex	Pugh of South Burlington
Buxton of Tunbridge	Jewett of Ripton	Rachelson of Burlington
Campion of Bennington	Johnson of South Hero	Ralston of Middlebury
Carr of Brandon	Keenan of St. Albans City	Ram of Burlington
Cheney of Norwich	Kitzmillier of Montpelier	Russell of Rutland City
Christie of Hartford	Klein of East Montpelier	Sharpe of Bristol
Clarkson of Woodstock	Krebs of South Hero	South of St. Johnsbury
Cole of Burlington	Krowinski of Burlington	Stevens of Waterbury
Condon of Colchester	Kupersmith of South Burlington	Stuart of Brattleboro
Connor of Fairfield	Lanpher of Vergennes	Sweaney of Windsor
Copeland-Hanzas of Bradford	Lenes of Shelburne	Taylor of Barre City
Corcoran of Bennington	Lippert of Hinesburg *	Till of Jericho
Cross of Winooski	Macaig of Williston	Toleno of Brattleboro
Dakin of Chester	Malcolm of Pawlet	Toll of Danville
Deen of Westminster	Manwaring of Wilmington *	Townsend of Randolph
Donovan of Burlington	Marek of Newfane *	Townsend of South Burlington
Ellis of Waterbury	Martin of Wolcott	Trieber of Rockingham
Emmons of Springfield	Masland of Thetford	Vowinkel of Wilder
Evans of Essex	McCarthy of St. Albans City	Waite-Simpson of Essex
Fay of St. Johnsbury	McCormack of Burlington	Webb of Shelburne
Fisher of Lincoln	McCullough of Williston	Weed of Enosburgh
Frank of Underhill	Michelsen of Hardwick	Wilson of Manchester
French of Randolph	Miller of Shaftsbury	Wizowaty of Burlington
Gallivan of Chittenden	Mook of Bennington	Woodward of Johnson
Grad of Moretown	Mrowicki of Putney	Yantachka of Charlotte
Greshin of Warren	Nuovo of Middlebury	Young of Glover
Haas of Rochester	O'Brien of Richmond	

Those who voted in the negative are:

Batchelor of Derby	Bouchard of Colchester	Brennan of Colchester
Beyor of Highgate	Branagan of Georgia	Browning of Arlington

Burditt of West Rutland	Higley of Lowell	Pearson of Burlington
Canfield of Fair Haven	Hubert of Milton	Poirier of Barre City
Conquest of Newbury *	Johnson of Canaan	Quimby of Concord
Consejo of Sheldon	Juskiewicz of Cambridge	Savage of Swanton
Cupoli of Rutland City	Kilmartin of Newport City	Scheuermann of Stowe *
Davis of Washington	Koch of Barre Town	Shaw of Pittsford
Devereux of Mount Holly	Komline of Dorset *	Shaw of Derby
Donaghy of Poultney	Larocque of Barnet	Smith of New Haven
Donahue of Northfield	Lawrence of Lyndon	Stevens of Shoreham
Fagan of Rutland City	Lewis of Berlin	Terenzini of Rutland Town
Feltus of Lyndon	Marcotte of Coventry	Van Wyck of Ferrisburgh
Gage of Rutland City	Moran of Wardsboro	Winters of Williamstown
Goodwin of Weston	Morrissey of Bennington	Wright of Burlington
Hebert of Vernon	Myers of Essex	Zagar of Barnard
Helm of Fair Haven	Pearce of Richford	

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

Dickinson of St. Albans Town	McFaun of Barre Town	Strong of Albany
Martin of Springfield	Mitchell of Fairfax	Turner of Milton
	Spengler of Colchester	

Rep. Conquest of Newbury explained his vote as follows:

"Mr. Speaker:

I applaud this amendment's author for trying to find a middle-ground. But I voted against it because it replaces an amendment that I believe requires of us a greater commitment to action - a greater commitment toward the same goal. Still, I look forward next year to considering what I hope will be the work of both the Education committee and the Ways and Means committee, working together to examine and improve our education finance system."

Rep. Komline of Dorset explained her vote as follows:

"Mr. Speaker:

The attitude in this body with regard to Property Tax Reform is always "No, because...". We need a "Yes, if..." approach. The Scheuermann amendment gave us a date certain to come up with li property tax reform. It would have given us the impetus for this new change-in-thinking attitude. We have missed this opportunity."

Rep. Lippert of Hinesburg explained his vote as follow:

"Mr. Speaker:

In offering this amendment, I choose faith in our deliberative process and collaboration within our Ways and Means committee, over language of "shock and awe".

Rep. Manwaring of Wilmington explained her vote as follows:

"Mr. Speaker:

While the pain of property taxes may lead the call for change in our present education funding system, the problem is much larger. No matter what funding mechanism we have had in recent decades, nor how much money is spent, we still have too many students who don't perform at acceptable levels during their time in school and too many students who do graduate but arrive at college unprepared to do the work required.

In order to address this, I hope an effort will evolve that not only encompasses the spirit of the amendments presented today, but also: 1. Recognizes that how money gets out of the education fund is fundamentally a different question than how it gets into the fund; 2. Examines out of the box solutions that are designed to align the goals and outcomes of both State policy/administration with those of every school. 3. Recognizes that the work of achieving outcomes resides in the schools and that unless the State is prepared to take over and run the schools, a framework is needed which moves from directing and penalizing to one of enabling and rewarding. 4. Understands that Education decisions in the present system are driven by 'head' issues (the numbers, funding pathways, administrative structures) as much as they are by the 'heart' which wants value for kids, for communities, for the investments they make."

Rep. Marek of Newfane explained his vote as follows:

"Mr. Speaker:

Any Vermont farmer knows that you don't tear your barn down without a plan to pay for the new one. This substitute amendment simply confirms that we need to have a real replacement education financing plan before, not after, throwing out the only one we have."

Rep. Scheurmann of Stowe explained her vote as follows:

Mr. Speaker:

While I am pleased this debate happened today, the result is extremely disappointing. We had an opportunity to say to Vermonters that we hear and understand their concern and anxiety about property taxes, and that we are actually committed to taking action. Instead, we have asked for yet another report. UCLA Coach John Wooden used to say, "Never mistake activity for achievement." Indeed, this is no achievement."

Pending the question, Shall the bill be amended as recommended by Rep. Lippert of Hinesburg? **Rep. Kilmartin of Newport City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Rep. Lippert of Hinesburg? was decided in the affirmative. Yeas, 135. Nays, 7.

Those who voted in the affirmative are:

Ancel of Calais	French of Randolph	McCormack of Burlington
Bartholomew of Hartland	Gage of Rutland City	McCullough of Williston
Batchelor of Derby	Gallivan of Chittenden	McFaun of Barre Town
Beyor of Highgate	Goodwin of Weston	Michelsen of Hardwick
Bissonnette of Winooski	Grad of Moretown	Miller of Shaftsbury
Botzow of Pownal	Greshin of Warren	Mook of Bennington
Branagan of Georgia	Haas of Rochester	Moran of Wardsboro
Brennan of Colchester	Head of South Burlington	Morrissey of Bennington
Browning of Arlington	Heath of Westford	Mrowicki of Putney
Burditt of West Rutland	Hebert of Vernon	Myers of Essex
Burke of Brattleboro	Helm of Fair Haven	Nuovo of Middlebury
Buxton of Tunbridge	Higley of Lowell	O'Brien of Richmond
Campion of Bennington	Hooper of Montpelier	O'Sullivan of Burlington
Canfield of Fair Haven	Hubert of Milton	Partridge of Windham
Carr of Brandon	Huntley of Cavendish	Pearce of Richford
Cheney of Norwich	Jerman of Essex	Pearson of Burlington
Christie of Hartford	Jewett of Ripton	Peltz of Woodbury
Clarkson of Woodstock	Johnson of South Hero	Potter of Clarendon
Cole of Burlington	Juskiewicz of Cambridge	Pugh of South Burlington
Condon of Colchester	Keenan of St. Albans City	Quimby of Concord
Connor of Fairfield	Kitzmiller of Montpelier	Rachelson of Burlington
Conquest of Newbury	Klein of East Montpelier	Ralston of Middlebury
Consejo of Sheldon	Komline of Dorset	Ram of Burlington
Copeland-Hanzas of Bradford	Krebs of South Hero	Russell of Rutland City
Corcoran of Bennington	Krowinski of Burlington	Savage of Swanton
Cross of Winooski	Kupersmith of South Burlington	Scheuermann of Stowe
Cupoli of Rutland City	Lanpher of Vergennes	Sharpe of Bristol
Dakin of Chester	Larocque of Barnet	Shaw of Pittsford
Deen of Westminster	Lawrence of Lyndon	Shaw of Derby
Devereux of Mount Holly	Lenes of Shelburne	Smith of New Haven
Donaghy of Poultney	Lewis of Berlin	South of St. Johnsbury
Donovan of Burlington	Lippert of Hinesburg	Stevens of Waterbury
Ellis of Waterbury	Macaig of Williston	Stevens of Shoreham
Emmons of Springfield	Malcolm of Pawlet	Stuart of Brattleboro
Evans of Essex	Manwaring of Wilmington	Sweaney of Windsor
Fagan of Rutland City	Marcotte of Coventry	Taylor of Barre City
Fay of St. Johnsbury	Marek of Newfane	Till of Jericho
Feltus of Lyndon	Martin of Wolcott	Toleno of Brattleboro
Fisher of Lincoln	Masland of Thetford	Toll of Danville
Frank of Underhill	McCarthy of St. Albans City	Townsend of Randolph

Townsend of South	Webb of Shelburne	Wright of Burlington
Burlington	Weed of Enosburgh	Yantachka of Charlotte
Trieber of Rockingham	Wilson of Manchester	Young of Glover
Van Wyck of Ferrisburgh	Winters of Williamstown	Zagar of Barnard
Vowinkel of Wilder	Wizowaty of Burlington	
Waite-Simpson of Essex	Woodward of Johnson	

Those who voted in the negative are:

Bouchard of Colchester	Johnson of Canaan	Terenzini of Rutland Town
Davis of Washington	Kilmartin of Newport City	
Donahue of Northfield	Poirier of Barre City	

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

Dickinson of St. Albans	Martin of Springfield	Strong of Albany
Town	Mitchell of Fairfax	Turner of Milton
Koch of Barre Town	Spengler of Colchester	

Thereupon, the bill was read a third time and passed.

Bill Read Second Time; Third Reading Ordered

H. 295

Rep. Ram of Burlington spoke for the committee on Ways and Means.

House bill entitled

An act relating to technical tax changes

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Favorable Report; Third Reading Ordered

H. 13

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

An act relating to statutory revision

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.

Favorable Report; Third Reading Ordered

H. 18

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

An act relating to granting staff of the Departments of Corrections and for Children and Families ex officio status for notary public services

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 five o'clock and fifteen minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the afternoon.