

Journal of the House

Thursday, May 2, 2013

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

Devotional Exercises

Devotional exercises were conducted by Rev. Peter Plagge of the congregational Church, Waterbury, Vt.

Bill Referred to Committee on Ways and Means

S. 38

Senate bill, entitled

An act relating to expanding eligibility for driving and identification privileges in Vermont

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

Joint Resolution Placed on Calendar

J.R.H. 10

Joint resolution opposing the recalculation of Social Security benefits

Offered by: Representatives Pearson of Burlington, Turner of Milton, and Jewett of Ripton

Whereas, on August 14, 1935, President Franklin D. Roosevelt signed the Social Security Act, Pub.L. No. 74-271, into law, and

Whereas, one of the stated goals of the Social Security Act was “to provide for the general welfare by establishing a system of Federal old-age benefits,” and

Whereas, Social Security has a special tie to Vermont as the first ever recipient of Social Security benefits was Ida May Fuller from Ludlow who received her first monthly check of \$22.54 in 1940, and

Whereas, since that date not a single benefit payment has been missed, and

Whereas, according to the Social Security Administration, as of February 2013, there are approximately 53,880,000 Social Security recipients, of whom approximately 38,662,000 are 65 years of age or older, and

Whereas, a Social Security recipient's monthly benefit amount is adjusted annually by the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (C.P.I.) from the third quarter of the previous year to the third quarter of the current year, and

Whereas, on April 10, 2013, President Obama presented to Congress his proposed FY 2014 federal budget, and

Whereas, with respect to Social Security, the President proposed that beginning in 2015, the current broad-based C.P.I. be replaced with a chained C.P.I. with a mathematical formulation that would slow the increase in benefits, and

Whereas, according to an editorial published on March 30, 2013 in *The New York Times*, fewer than one-half of Americans between the ages of 55 and 64 have any retirement savings, and of those persons who have established retirement savings, one-half have less than \$120,000.00 saved for this purpose, and

Whereas, the majority of retirees with an annual income of up to \$32,600.00 rely on Social Security for two-thirds or more of their income, and

Whereas, the current financial challenges associated with the federal debt have no connection to Social Security, and

Whereas, without any changes, Social Security will meet 100 percent of its obligations for the next 20 years, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests that President Obama and Congress seek an alternative to the proposed adjustment to the Social Security C.P.I. formula as a way to address the long-term financial problems of the Social Security System, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Obama and the Vermont Congressional Delegation.

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

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed; Rules Suspended
and the Bill was Ordered Messaged to the Senate Forthwith**

On motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to revenue changes for fiscal year 2014 and fiscal year 2015

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

The Senate proposed to the House to amend the bill, by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Spirituous Liquor * * *

Sec. 1. 7 V.S.A. § 422 is amended to read:

§ 422. TAX ON SPIRITUOUS LIQUOR

A tax is assessed on the gross revenue on the retail sale of spirituous liquor in the ~~state~~ State of Vermont, including fortified wine, sold by the ~~liquor control board~~ Liquor Control Board or sold by a manufacturer or rectifier of spirituous liquor in accordance with the provisions of this title. The tax shall be at the following rates based on the gross revenue of the retail sales by the seller in the ~~previous~~ current year:

(1) if the gross revenue of the seller is ~~\$100,000.00~~ \$150,000.00 or lower, the rate of tax is five percent;

(2) if the gross revenue of the seller is between ~~\$100,000.00~~ \$150,000.00 and ~~\$200,000.00~~ \$250,000.00, the rate of tax is ~~\$15,000.00~~ \$7,500.00 plus 15 percent of gross revenues over ~~\$100,000.00~~ \$150,000.00;

(3) if the gross revenue of the seller is over ~~\$200,000.00~~ \$250,000.00, the rate of tax is 25 percent.

* * * Health Care/Employer Assessment * * *

Sec. 2. 21 V.S.A. § 2002 is amended to read:

§ 2002. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

* * *

(5) "Uncovered employee" means:

(A) an employee of an employer who does not offer to pay any part of the cost of health care coverage for its employees;

(B) an employee who is not eligible for health care coverage offered by an employer to any other employees; or

(C) an employee who is offered and is eligible for coverage by the employer but elects not to accept the coverage and either:

(i) has no other health care coverage under either a private or public plan; or

(ii) has health insurance coverage purchased through the Vermont Health Benefit Exchange.

* * *

Sec. 3. 21 V.S.A. § 2003 is amended to read:

§ 2003. HEALTH CARE FUND CONTRIBUTION ASSESSMENT

* * *

(b) For any quarter in fiscal years 2007 and 2008, the amount of the ~~health care fund~~ Health Care Fund contribution shall be \$ 91.25 for each full-time equivalent employee in excess of eight. For each fiscal year after fiscal year 2008, the number of excluded full-time equivalent employees shall be adjusted in accordance with subsection (a) of this section, and the amount of the ~~health care fund~~ Health Care Fund contribution shall be adjusted by a percentage equal to any percentage change in premiums for ~~Catamount Health for that fiscal year; provided, however, that to the extent that Catamount Health premiums decrease due to changes in benefit design or deductible amounts, the health care fund contribution shall not be decreased by the percentage change attributable to such benefit design or deductible changes~~ the second lowest cost silver-level plan in the Vermont Health Benefit Exchange.

* * *

(d) Revenues from the ~~health care fund~~ Health Care Fund contributions collected shall be deposited into the state ~~health care resources fund~~ Health Care Resources Fund established under 33 V.S.A. § 1901d.

Sec. 4. 33 V.S.A. § 1812 is added to read:

§ 1812. EXCHANGE PLAN SURCHARGE

(a) In the event that the revenue projected to be generated by the Employers' Health Care Fund Contribution assessment pursuant to 21 V.S.A. chapter 25 for a given year is insufficient to cover the net operating costs of the Exchange for the same year, the premium for each health benefit plan issued through the Exchange for that year shall include a monthly surcharge to finance the remaining costs associated with the operation of the Exchange.

(b) On or before September 1 of each year, the Department of Vermont Health Access shall project the net operating costs of the Exchange for the following calendar year. On or before the same date, the Department of Vermont Health Access shall, in consultation with the Department of Labor and the Legislative Joint Fiscal Office, project the amount of revenue to be generated by the Health Care Fund Contribution assessment in the following fiscal year. If the projected costs of the Exchange exceed the projected revenue from the assessment, the Department of Vermont Health Access shall, in consultation with the Legislative Joint Fiscal Office, calculate the estimated amount of the shortfall and the amount of the per-member per-month surcharge to be applied to the premium for all plans offered through the Exchange to make up the difference.

(c) The Exchange shall impose and collect the surcharge applied pursuant to this section from purchasers of Exchange plans as part of its monthly or other regular billing process. The Commissioner of Vermont Health Access or designee shall deposit the funds collected pursuant to this section in the State Health Care Resources Fund established by section 1901d of this title.

(d) The Exchange website shall clearly indicate the dollar amount of the premium for each health benefit plan offered through the Exchange that is attributable to a surcharge established by this section.

* * * Local Option Taxes * * *

Sec. 5. 24 V.S.A. § 138(a) is amended to read:

(a) Local option taxes are authorized under this section for the purpose of affording municipalities ~~an alternative a~~ a method of raising municipal revenues ~~to facilitate the transition and reduce the dislocations in those municipalities that may be caused by reforms to the method of financing public education under the Equal Educational Opportunity Act of 1997. Accordingly:~~

~~(1) the local option taxes authorized under this section may be imposed by a municipality;~~

~~(2) a municipality opting to impose a local option tax may do so prior to July 1, 1998 to be effective beginning January 1, 1999, and anytime after December 1, 1998 a local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the department of taxes of the imposition; and~~

~~(3) a local option tax may only be adopted by a municipality in which:~~

~~(A) the education property tax rate in 1997 was less than \$1.10 per \$100.00 of equalized education property value; or~~

~~(B) the equalized grand list value of personal property, business machinery, inventory, and equipment is at least ten percent of the equalized education grand list as reported in the 1998 Annual Report of the Division of Property Valuation and Review; or~~

~~(C) the combined education tax rate of the municipality will increase by 20 percent or more in fiscal year 1999 or in fiscal year 2000 over the rate of the combined education property tax in the previous fiscal year. A local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the Department of Taxes of the imposition.~~

* * * Tax Expenditures * * *

Sec. 6. 32 V.S.A. § 312(d) is added to read:

(d) Every tax expenditure in the tax expenditure report required by this section shall be accompanied in statute by a statutory purpose explaining the policy goal behind the exemption, exclusion, deduction, or credit applicable to the tax. The statutory purpose shall appear as a separate subsection or subdivision in statute and shall bear the title "Statutory Purpose." Notwithstanding any other provision of law, a tax expenditure listed in the tax expenditure report that lacks a statutory purpose in statute shall not be implemented or enforced until a statutory purpose is provided.

Sec. 7. TAX EXPENDITURE PURPOSES

The Joint Fiscal Committee shall draft a statutory purpose for each tax expenditure in the report required by 32 V.S.A. § 312 that explains the policy goal behind the exemption, exclusion, deduction, or credit applicable to the tax. For the purpose of this report, the Committee shall have the assistance of the Department of Taxes, the Joint Fiscal Office, and the Office of Legislative Council. The Committee shall report its findings and recommendations to the Senate Committee on Finance and the House Committee on Ways and Means by January 15, 2014. The report of the Committee shall consist of a written catalogue for Vermont's tax expenditures and draft legislation, in bill form, providing a statutory purpose for each tax expenditure.

* * * Joint Fiscal Office * * *

Sec. 8. 32 V.S.A. § 3102(l) is added to read:

(l) The Commissioner shall provide the Joint Fiscal Office with state returns and return information necessary for the Joint Fiscal Office or its agents to perform its duties, including conducting their own statistical studies, forecasts, and fiscal analysis.

* * * Property Taxes * * *

Sec. 9. 32 V.S.A. § 3802(18) is added to read:

(18) Any parcel of land that provides public access to public waters, as defined in 10 V.S.A. § 1422(6), and that is also:

(A) owned by the Town of Hardwick, and located in Greensboro, Vermont, or

(B) owned by the Town of Thetford, and located in Fairlee, Vermont, and West Fairlee, Vermont.

Sec. 10. 32 V.S.A. § 3802a is added to read:

§ 3802a. REQUIREMENT TO PROVIDE INSURANCE INFORMATION

Before April 1 of each year, owners of property exempt from taxation under subdivisions 3802(4)–(6), (9), and (12)–(15) and under subdivisions 5401(10)(D), (F), (G), and (J) of this title shall provide their local assessing officials with information regarding the insurance replacement cost of the exempt property or with a written explanation of why the property is not insured. There is a rebuttable presumption that the insurance replacement value is the value that should be entered in the grand list under subdivision 4152(a)(6) of this title.

Sec. 11. STUDY COMMITTEE ON CERTAIN PROPERTY TAX EXEMPTIONS

(a) Creation of committee. There is created a Property Tax Exemption Study Committee to study issues related to properties that fall within the public, pious, and charitable property tax exemption in 32 V.S.A. § 3802(4). The Committee shall study and make recommendations related to the definition, listing, valuation, and tax treatment of properties within this exemption.

(b) Membership. The Property Tax Exemption Study Committee shall be composed of seven members. Four members of the Committee shall be members of the General Assembly. The Committee on Committees of the Senate shall appoint two members of the Senate, not from the same political party, and the Speaker of the House shall appoint two members of the House, not from the same political party. The Chair and Vice Chair of the Committee shall be legislative members selected by all members of the Committee. Three members of the Committee shall be as follows:

(1) the Director of the Division of Property Valuation and Review;

(2) one member from Vermont's League of Cities and Towns, chosen by its board of directors; and

(3) one member of the Vermont Assessors and Listers Association, chosen by its board of directors.

(c) Powers and duties.

(1) The Committee shall study the definition, listing practices, valuation, and tax treatment of properties within the public, pious, and charitable exemption, including the following:

(A) ways to clarify the definitions of properties that fall within this exemption, including recreational facilities, educational facilities, and publically owned land and facilities;

(B) guidelines to ensure a uniform listing practice of public, pious, and charitable properties in different municipalities;

(C) methods of providing a valuation for properties within this exemption; and

(D) whether the policy justification for these exemptions continues to be warranted and whether a different system of taxation or exemption of these properties may be more appropriate.

(2) For purposes of its study of these issues, the Committee shall have the assistance of the Joint Fiscal Office, the Office of Legislative Council, and the Department of Taxes.

(d) Report. By January 15, 2014, the Committee shall report to the Senate Committee on Finance and the House Committee on Ways and Means its findings and any recommendations for legislative action.

(e) Number of meetings; term of Committee. The Committee may meet no more than six times, and shall cease to exist on January 16, 2014.

Sec. 12. 2008 Acts and Resolves No. 190, Sec. 40, as amended by 2010 Acts and Resolves No. 160, Sec. 22, as amended by 2011 Acts and Resolves No. 45, Sec. 13f, is further amended to read:

Sec. 40. EDUCATION PROPERTY TAX EXEMPTION FOR
~~SKATINGRINKS~~ SKATING RINKS USED FOR PUBLIC
SCHOOLS

Real and personal property operated as a skating rink, owned and operated on a nonprofit basis but not necessarily by the same entity, and which, in the most recent calendar year, provided facilities to local public schools for a sport

officially recognized by the Vermont Principals' Association shall be exempt from 50 percent of the education property taxes for fiscal ~~year 2012~~ years 2013 and 2014 only.

Sec. 13. 32 V.S.A. § 3850 is added to read:

§ 3850. BLIGHTED PROPERTY IMPROVEMENT PROGRAM

(a) At an annual or special meeting, a municipality may vote to authorize the legislative body of the municipality to exempt from municipal taxes for a period not to exceed five years the value of improvements made to dwelling units certified as blighted. As used in this section, "dwelling unit" means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.

(b) If a municipality votes to approve the exemption described in subsection (a) of this section, the legislative body of the municipality shall appoint an independent review committee that is authorized to certify dwelling units in the municipality as blighted and exempt the value of improvements made to these dwelling units.

(c) As used in this section, a dwelling unit may be certified as blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.

(d) If a dwelling unit is certified as blighted under subsection (b) of this section, the exemption shall take effect on the April 1 following the certification of the dwelling unit.

Sec. 14. 32 V.S.A. § 5410a(i) is amended to read:

(i) An owner filing a new or corrected declaration, or rescinding an erroneous declaration, after ~~September 1~~ October 15 shall not be entitled to a refund resulting from the correct property classification; and any additional property tax and interest which would result from the correct classification shall not be assessed as tax and interest, but shall instead constitute an additional penalty, to be assessed and collected in the same manner as penalties under subsection (g) of this section. Any change in property classification under this subsection shall not be entered on the grand list.

* * * Income Taxes * * *

Sec. 15. 32 V.S.A. § 5811(21) is amended to read:

(21) "Taxable income" means federal taxable income determined without regard to ~~Section 168(k) of the Internal Revenue Code~~ 26 U.S.C. § 168(k) and:

(A) Increased by the following items of income (to the extent such income is excluded from federal adjusted gross income):

(i) interest income from non-Vermont state and local obligations;

(ii) dividends or other distributions from any fund to the extent they are attributable to non-Vermont state or local obligations; ~~and~~

(iii) the amount in excess of \$5,000.00 of state and local income taxes deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; ~~and~~

(iv) the amount in excess of \$12,000.00 of home mortgage interest deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; and

* * *

Sec. 16. 32 V.S.A. § 5822(a)(6) is added to read

(6) If the federal adjusted gross income of the taxpayer exceeds \$125,000.00, then the tax calculated under this subsection shall be the greater of the tax calculated under subdivisions (1)–(5) of this subsection or three percent of the taxpayer’s federal adjusted gross income.

Sec. 17. [Deleted]

Sec. 17a. WOOD PRODUCTS MANUFACTURERS TAX CREDIT

2005 Spec. Sess. Acts and Resolves No. 2, Sec. 2, as amended by 2006 Acts and Resolves No. 212, Sec. 9 and 2008 Acts and Resolves No. 190, Sec. 29, and as further amended by 2011 Acts and Resolves No. 45, Sec. 17, is further amended to read:

Sec. 2. EFFECTIVE DATE; SUNSET

Sec. 1 of this act (wood products manufacture tax credit) shall apply to taxable years beginning on or after July 1, 2005. 32 V.S.A. § 5930y is repealed ~~July 1, 2013~~ January 1, 2014, and no credit under that section shall be available for any taxable year beginning on or after ~~July 1, 2013~~ January 1, 2014.

Sec. 17b. WOOD PRODUCTS MANUFACTURERS TAX CREDIT LIMITATION

For taxable year 2013, the total amount of credits available under 32 V.S.A. § 5930y shall not exceed \$75,000.00. The Department of Taxes shall allocate

the credits for taxable year 2013 proportionally based on the claims received for the credit.

* * * Estate Taxes * * *

Sec. 18. ESTATE TAX STUDY

The Department of Taxes shall report to the General Assembly on ways to make Vermont's estate tax more transparent and equitable. In conducting its study, the Department of Taxes shall consult with the Vermont Tax Advisory Board, the Joint Fiscal Office, and with attorneys, accountants, or other professionals who practice in this area. The report shall include analysis of Vermont's current estate tax rates, estate tax base, exemptions, and deductions. The report shall make recommendations aimed at making the administration and application of Vermont's estate tax simpler and fairer. The report of the Department of Tax shall be due on or before January 15, 2014.

Sec. 19. [Deleted]

Sec. 20. [Deleted]

* * * Uniform Capacity Tax * * *

Sec. 21. 32 V.S.A. § 8701(d) is added to read:

(d) The existence of a renewable energy plant subject to tax under subsection (b) of this section shall not alter the exempt status of any underlying property under 32 V.S.A. § 3802 or 5401(10)(F).

* * * Sales and Use Taxes * * *

Sec. 22. 32 V.S.A. § 9701 is amended to read:

§ 9701. DEFINITIONS

* * *

(31) Food and food ingredients: means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages or tobacco, or bottled water.

* * *

(48)(A) "Bottled water" means water that is placed in a safety-sealed container or package for human consumption. Bottled water is calorie-free and does not contain sweeteners or other additives except that it may contain:

(i) antimicrobial agents;

- (ii) fluoride;
- (iii) carbonation;
- (iv) vitamins, minerals, and electrolytes;
- (v) oxygen;
- (vi) preservatives; and
- (vii) only those flavors, extracts, or essences derived from a spice or fruit.

(B) "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

Sec. 23. 32 V.S.A. § 9741(13) is amended to read:

(13) Sales of food, food stamps, purchases made with food stamps, food products and beverages, food and food ingredients sold for human consumption off the premises where sold and sales of eligible foods that are purchased with benefits under the Supplemental Nutrition Assistance Program or any successor program. When a purchase is made with a combination of benefits under the Supplemental Nutrition Assistance Program or any successor program and cash, check, or similar payment, the cash, check, or similar payment must be applied first to food and food ingredients exempt under this subdivision.

* * * Satellite Programming Tax * * *

Sec. 24. 32 V.S.A. chapter 242 is added to read:

CHAPTER 242. TAX ON SATELLITE TELEVISION
PROGRAMMING

§ 10401. DEFINITIONS

As used in this chapter:

- (1) "Commissioner" means the Commissioner of Taxes.
- (2) "Distributor" means any person engaged in the business of making satellite programming available for purchase by subscribers.
- (3) "Satellite programming" means radio and television audio and video programming services where the programming is distributed or broadcast by satellite directly to the subscriber's receiving equipment located at an end user subscribers' or end user customers' premises.

(4) "Subscriber" means a person who purchases programming taxable under this chapter.

§ 10402. TAX IMPOSED

(a) There is imposed a tax on provision of satellite programming to a subscriber located in this State. The tax shall be at the rate of three percent of all gross receipts derived by the distributor from the provision of satellite programming in this State.

(b) The tax together with a return in a form prescribed by the Commissioner shall be paid to the Commissioner quarterly on or before the 25th day of the month following the last day of each quarter of the taxpayer's taxable year under the Internal Revenue Code. The Commissioner shall deposit the payments collected into the General Fund.

(c) To the extent they are not explicitly in conflict with the provisions of this chapter, the provisions of chapter 103 and subchapters 6, 7, 8, and 9 of chapter 151 of this title shall apply to the tax imposed by this section.

§ 10403. EXEMPTIONS

(a) The following transactions are not covered by the tax in this chapter:

(1) transactions that are not within the taxing power of this State;

(2) the provision of satellite programming to a person for resale; and

(3) the first \$30.00 of monthly charges paid by each subscriber for the provision of satellite programming which shall not be counted as gross receipts.

(b) The following organizations are not covered by the tax in this chapter:

(1) the State of Vermont or any of its agencies, instrumentalities, public authorities, or political subdivisions; and

(2) the United States of America or any of its agencies and instrumentalities.

Sec. 25. 32 V.S.A. § 10402(a) is amended to read:

(a) There is imposed a tax on provision of satellite programming to a subscriber located in this State. The tax shall be at the rate of ~~three percent~~ four percent of all gross receipts derived by the distributor from the provision of satellite programming in this State.

Sec. 26. 32 V.S.A. § 10403(a) is amended to read:

(a) The following transactions are not covered by the tax in this chapter:

-
- (1) transactions that are not within the taxing power of this State; and
 - (2) the provision of satellite programming to a person for resale;
 - ~~(3) the first \$30.00 of monthly charges paid by each subscriber for the provision of satellite programming shall not be counted as gross receipts.~~

Sec. 27. 32 V.S.A. § 10402(a) is amended to read:

(a) There is imposed a tax on provision of satellite programming to a subscriber located in this State. The tax shall be at the rate of ~~four percent~~ five percent of all gross receipts derived by the distributor from the provision of satellite programming in this State.

* * * Break-Open Tickets * * *

Sec. 28. 32 V.S.A. chapter 245 is added to read:

CHAPTER 245. BREAK-OPEN TICKET TAX

§ 10501. DEFINITIONS

As used in this chapter:

- (1) “Break-open ticket” shall have the same meaning as in 7 V.S.A. chapter 26, § 901(1).
- (2) “Commissioner” means the Commissioner of Taxes.
- (3) “Distributor” shall have the same meaning as in 7 V.S.A. chapter 26, § 901(3).

§ 10502. TAX ON DISTRIBUTOR SALES

(a) In addition to the annual licensing fee as provided in 7 V.S.A. § 904, there is levied upon each break-open ticket sold by a seller’s agent in this State a tax to be paid by the distributor in the amount of three percent of the retail sales value of the ticket. For purposes of this section, “retail sale value” means the retail price stated on the ticket or, if no price is stated on the ticket, the price at which that type of ticket is generally sold.

(b) The tax together with a return in a form prescribed by the Commissioner shall be paid to the Commissioner of Taxes monthly on or before the 25th day of the month with respect to tickets sold in the month ending prior to the month in which the payment is due and shall be deposited into the Education Fund.

(c) The administrative provisions of chapters 103 and 233 of this title shall apply to the tax imposed by this section.

* * * Fuel Gross Receipts Tax * * *

Sec. 29. 33 V.S.A. § 2503 is amended to read:

§ 2503. FUEL GROSS RECEIPTS TAX

(a) There is imposed a gross receipts tax of 0.5 percent on the retail sale of the following types of fuel ~~by sellers receiving more than \$10,000.00 annually for the sale of such fuels:~~

- (1) heating oil, kerosene, and other dyed diesel fuel delivered to a residence or business;
- (2) propane;
- (3) natural gas;
- (4) electricity;
- (5) coal.

* * *

Sec. 30. BANK FRANCHISE TAX STUDY

(a) Creation of committee. There is created a Bank Franchise Tax Study Committee to examine the taxation of financial institutions in Vermont.

(b) Membership. The Bank Franchise Tax Study Committee shall be composed of nine members. The Chair and Vice Chair of the Committee shall be legislative members selected by all the members of the Committee. Four members of the Committee shall be members of the General Assembly. The Committee on Committees of the Senate shall appoint two members of the Senate, not from the same political party; and the Speaker of the House shall appoint two members of the House, not from the same political party. Five members of the Committee shall be as follows:

- (1) the Secretary of Administration or designee;
- (2) the Commissioner of Financial Regulation or designee;
- (3) the Commissioner of Taxes; and
- (4) two persons appointed by the Vermont Banker's Association.

(c) Powers and duties.

(1) The Committee shall study the taxation of financial institutions in Vermont, including:

(A) the policy considerations for a bank franchise tax versus a corporate tax on financial institutions;

-
- (B) an examination of the tax burden on financial institutions;
 - (C) the history of the rates and base of the bank franchise tax; and
 - (D) recommendations for setting the rate of the bank franchise tax in an equitable manner.

(2) For purposes of its study of these issues, the Committee shall have the administrative assistance of the Agency of Administration and the legal and fiscal support of the Department of Financial Regulation and the Department of Taxes.

(d) Report. On or before January 15, 2014, the Committee shall report to the Senate Committee on Finance and the House Committee on Ways and Means its findings and any recommendations for legislative action.

(e) Number of meetings; term of Committee. The Committee may meet no more than six times, and shall cease to exist on January 15, 2014.

Sec. 31. STUDY COMMITTEE ON BARRIERS TO THE WORKFORCE

(a) Creation of committee. There is created a Committee on Workforce Barriers to study how the totality of programs, tax credits, and subsidies affects the incentives for joining and remaining in the workforce.

(b) Membership. The Chair and Vice Chair of the Committee shall be legislative members selected by all the members of the Committee. The Committee on Workforce Barriers shall be composed of seven members as follows:

(1) the chairs of the Senate and House Committees on Appropriations or their designees;

(2) the chairs of the Senate Committee on Finance and the House Committee on Ways and Means or their designees;

(3) the chairs of the Senate Committee on Health and Welfare and the House Committee on Human Services or their designees;

(4) the chairs of the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development or their designees;

(5) the Secretary of Administration or designee;

(6) the Secretary of Human Services or designee; and

(7) the Commissioner of Labor or designee.

(c) Powers and duties.

(1) The Committee shall evaluate the totality of agency programs, tax credits, and subsidies that Vermont extends to low and moderate income Vermonters to determine if, collectively, they create financial incentives and mitigate social barriers to entering and remaining in the workforce. The Committee shall report any recommended policy changes that reduce financial or other barriers to entering the workforce, remaining in the workforce, or increasing an individual's participation in the workforce.

(2) For purposes of its study of these issues, the Committee shall have the administrative assistance of the Agency of Administration and the technical, legal, and fiscal assistance of the Agency of Human Services, the Department of Labor, and the Department of Taxes.

(d) Report. By January 15, 2014, the Committee shall report to the General Assembly its findings and any recommendations for legislative action.

(e) Number of meetings; term of committee. The Committee may meet no more than six times, and shall cease to exist on January 16, 2014.

* * * Repeals and Effective Dates * * *

Sec. 32. REPEAL

The following are repealed:

(1) 2011 Acts and Resolves No. 45, Sec. 13a (wastewater permits).

(2) 2012 Acts and Resolves No. 143, Secs. 41 through 43 (wastewater permits).

Sec. 33. EFFECTIVE DATES

(a) This section and Sec. 12 (skating rinks) shall take effect on passage.

(b) Secs. 1 (spirituous liquors), 4 (exchange plan surcharge), 5 (local option taxes), 6 (tax expenditures), 7 (joint fiscal committee report), 8 (joint fiscal office), 11 (Exempt Property Study Committee), 13 (blighted property), 17a (wood manufacturers tax credit), 17b (wood manufacturers tax credit limitation), Secs. 15 (definition of taxable income), 16 (minimum payment), 18 (estate tax study), 21 (uniform capacity tax), 22 (sales tax definitions), 23 (sales tax exemptions), 24 (satellite programming tax), 28 (taxation of break-open tickets), 29 (fuel gross receipts tax), 30 (bank franchise study), 31 (workforce barriers study), and 32 (repeals) of this act shall take effect on July 1, 2013.

(c) Secs. 2 (employer assessment definition), 3 (employer assessment fund) and 9 (water access land) of this act shall take effect on January 1, 2014.

(d) Sec. 10 (insurance values) of this act shall take effect on July 1, 2014.

(e) Sec. 14 (homestead filing) of this act shall take effect on January 1, 2014 and apply to homestead declarations filed after that date.

(f) Secs. 15 (definition of taxable income) and 16 (minimum payment) of this act shall apply retroactively to January 1, 2013 and apply to taxable year 2013 and after.

(g) Secs. 25 (satellite tax rate) and 26 (satellite tax exemption) shall take effect on July 1, 2014.

(h) Sec. 27 (satellite tax rate) shall take effect on July 1, 2015.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Ancel of Calais** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Ancel of Calais

Rep. Condon of Colchester

Rep. Wilson of Manchester

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Remarks Journalized

On motion of **Rep. McCullough of Williston**, the following remarks by **Rep. Quimby of Concord** were ordered printed in the Journal:

“Mr. Speaker:

We just heard a resolution honoring three brothers from my home town of Granby who also happen to be my great grand uncles. This year is the 150th anniversary of the Emancipation Proclamation, so I thought it fitting to honor these men. My mother was born a Shores. She was so proud to bear the name, and rightly so. I am pleased to have so many of my family members here today, but before I introduce them Mr. Speaker, may I read from a letter I received from the great granddaughter of one of these brave soldiers?

My Grandmother used to tell us a story about a little flag that Ethan carried and brought home from the War. The story we remember is that he was wounded, captured and escaped, as documented by history. The other part was

that he was befriended by a black couple who hid him in a cabin and cared for him until he was well enough to travel. They led him to the Union lines. Before she left him the woman gave him a little flag she had made for him, about 4 x 6. Grandma told that story often and frequently tried to find the flag to prove it to us but couldn't.

Grandma lived in her own home until age 92. After that she had to move in with my mom and dad and stayed there until age 99. At one point my family lived in her home for about 6 months. I explored often. Lo and behold, I found the flag in a little steel box all wrapped in tissue. Excitedly, I told Grandma I had found it but it was too late. At 100 years of age she no longer knew the story.

My cousin Leslie brought that flag with her today. Please welcome Leslie, her sisters Gail, and Susan, Gail's husband Larry, Leslie's daughters Jodi and Kate, Jodi's children Tucker and Brady. Also, please welcome my Aunt Beverly Shores, my brothers Rodney, John and Calvin, my sister Paula, my cousins Terri, Jeannie, Vernon Shores, Robert Shores, his daughter Sherri and Darlina Smith. They are seated in the gallery and the senate seats."

Third Reading; Bill Passed

H. 535

House bill, entitled

An act relating to the approval of the adoption and to the codification of the charter of the Town of Woodford

Was taken up, read the third time and passed.

Senate Proposal of Amendment Concurred in

H. 105

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

An act relating to adult protective services reporting requirements

First: In Sec. 1, by striking out subdivisions (2) and (3), and by renumbering the remaining subdivisions to be numerically correct

Second: In Sec. 1, in the newly renumbered subdivision (4), by striking out the second sentence and inserting in lieu thereof:

The request for proposals for the grants contained an acknowledgment by the Self-Neglect Task Force that data are lacking at both the state and community levels to determine the scope of the problem of self-neglect.

Third: In Sec. 3, subsection (a), by striking out the first sentence and inserting in lieu thereof:

On or before January 15, 2006 and on or before January 15 of each year thereafter until January 15, 2018, the ~~secretary of the agency of human services~~ Secretary of Human Services shall submit a report to the following committees: ~~the house and senate committees on judiciary, the house committee on human services, and the senate committee on health and welfare~~ House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare.

Fourth: In Sec. 3, subdivision (a)(1)(A)(iv), by inserting before “, including” the following: regardless of whether reports were opened, substantiated, or unsubstantiated

Which proposal of amendment was considered and concurred in.

Bill Read Third Time; Consideration Interrupted by Recess

S. 59

Senate bill, entitled

An act relating to independent direct support providers

Was taken up and read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Browning of Arlington** moved to commit the bill to the committee on Human Services.

Thereupon, **Rep. Browning of Arlington** asked and was granted leave of the House to withdraw her motion.

Thereupon, **Rep. Browning of Arlington** moved to commit the bill to the committee on Human Services.

Pending the question, Shall the bill be committed to the Committee on Human Services? **Rep. Morrissey of Bennington** 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 committed to the Committee on Human Services? was decided in the negative. Yeas, 40. Nays, 102.

Those who voted in the affirmative are:

| | | |
|---------------------------------|---------------------------|---------------------------|
| Batchelor of Derby | Goodwin of Weston | Mitchell of Fairfax |
| Beyor of Highgate | Greshin of Warren | Morrissey of Bennington * |
| Bouchard of Colchester | Hebert of Vernon | Myers of Essex |
| Branagan of Georgia | Hubert of Milton | Pearce of Richford |
| Browning of Arlington | Juskiewicz of Cambridge | Quimby of Concord |
| Canfield of Fair Haven | Keenan of St. Albans City | Savage of Swanton |
| Cupoli of Rutland City | Kilmartin of Newport City | Shaw of Derby |
| Devereux of Mount Holly | Koch of Barre Town | Smith of New Haven |
| Dickinson of St. Albans Town | Komline of Dorset | Strong of Albany |
| Donahue of Northfield | Larocque of Barnet | Terenzini of Rutland Town |
| Fagan of Rutland City | Lawrence of Lyndon | Turner of Milton |
| Feltus of Lyndon | Lewis of Berlin | Van Wyck of Ferrisburgh |
| Gage of Rutland City | Marcotte of Coventry | Winters of Williamstown |
| | McFaun of Barre Town | |

Those who voted in the negative are:

| | | |
|--------------------------------|-----------------------------------|---------------------------------|
| Ancel of Calais | Gallivan of Chittenden | Michelsen of Hardwick |
| Bartholomew of Hartland | Grad of Moretown | Miller of Shaftsbury |
| Bissonnette of Winooski | Haas of Rochester | Mook of Bennington |
| Botzow of Pownal | Head of South Burlington | Moran of Wardsboro |
| Brennan of Colchester | Heath of Westford | Mrowicki of Putney |
| Burke of Brattleboro | Helm of Fair Haven | Nuovo of Middlebury |
| Buxton of Tunbridge | Higley of Lowell | O'Sullivan of Burlington |
| Campion of Bennington | Hooper of Montpelier | Pearson of Burlington |
| Carr of Brandon | Huntley of Cavendish | Peltz of Woodbury |
| Cheney of Norwich | Jerman of Essex | Poirier of Barre City |
| Christie of Hartford | Johnson of South Hero | Potter of Clarendon |
| Clarkson of Woodstock | Johnson of Canaan | Pugh of South Burlington |
| Cole of Burlington | Kitzmiller of Montpelier | Rachelson of Burlington |
| Condon of Colchester | Klein of East Montpelier | Ralston of Middlebury |
| Connor of Fairfield | Krebs of South Hero | Ram of Burlington |
| Conquest of Newbury | Krowinski of Burlington | Russell of Rutland City |
| Consejo of Sheldon | Kupersmith of South Burlington | Scheuermann of Stowe |
| Copeland-Hanzas of Bradford | Lanpher of Vergennes | Sharpe of Bristol |
| Corcoran of Bennington | Lenes of Shelburne | Shaw of Pittsford |
| Cross of Winooski | Lippert of Hinesburg | South of St. Johnsbury |
| Dakin of Chester | Macaig of Williston | Stevens of Waterbury |
| Davis of Washington | Malcolm of Pawlet | Stevens of Shoreham |
| Deen of Westminster | Manwaring of Wilmington | Stuart of Brattleboro |
| Donaghy of Poultney | Marek of Newfane | Sweaney of Windsor |
| Ellis of Waterbury | Martin of Springfield | Taylor of Barre City |
| Emmons of Springfield | Martin of Wolcott | Till of Jericho |
| Evans of Essex | Masland of Thetford | Toleno of Brattleboro |
| Fisher of Lincoln | McCarthy of St. Albans City | Toll of Danville |
| Frank of Underhill | McCormack of Burlington | Townsend of Randolph |
| French of Randolph | McCullough of Williston | Townsend of South Burlington |

| | | |
|------------------------|------------------------|------------------------|
| Trieber of Rockingham | Weed of Enosburgh | Wright of Burlington |
| Vowinkel of Hartford | Wilson of Manchester | Yantachka of Charlotte |
| Waite-Simpson of Essex | Wizowaty of Burlington | Young of Glover |
| Webb of Shelburne | Woodward of Johnson | Zagar of Barnard |

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

| | | |
|-------------------------|----------------------|------------------------|
| Burditt of West Rutland | O'Brien of Richmond | Spengler of Colchester |
| Donovan of Burlington | Partridge of Windham | |
| Fay of St. Johnsbury | Smith of Morristown | |

Rep. Morrissey of Bennington explained her vote as follows:

“Mr. Speaker:

My concern is with due process, not the underlying issue. S.59 should have gone to the Human Services Committee which is one of the committees of jurisdiction.”

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Komline of Dorset** asked and was granted leave of the House to offer an amendment after third reading, as follows:

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

Sec. 1. INCREASE IN WAGES FOR INDEPENDENT DIRECT SUPPORT PROVIDERS

On or before January 15, 2014, the Secretary of Human Services shall submit to the House Committees on Human Services and on General, Housing, and Military Affairs, the Senate Committees on Health and Welfare and on Economic Development, Housing, and General Affairs, and the House and Senate Committees on Appropriations a written plan for continued increases in financial support through fiscal year 2021 for independent direct support providers providing services to individuals receiving home- and community-based services under the Choices for Care program, Attendant Services Program, Children’s Personal Care Service Program, the Developmental Disabilities Services Program, or any successor program or similar program subsequently established.

Sec. 2. APPROPRIATION

The sum of \$570,000.00 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2014 for the purposes of a one-percent wage increase for all independent direct support providers providing services to individuals receiving home- and community-based

services under the Choices for Care program, Attendant Services Program, Children's Personal Care Service Program, the Developmental Disabilities Services Program, or a similar program funded in whole or in part by the State of Vermont.

Thereupon, **Rep. Komline of Dorset** asked and was granted leave of the House to withdraw her amendment.

Recess

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

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

Consideration Resumed; Bill Read the Third Time and Passed in Concurrence

S. 59

Consideration resumed on Senate bill, entitled

An act relating to independent direct support providers;

Pending the question, Shall the bill pass in concurrence? **Rep. Komline of Dorset** moved to amend the House proposal as follows:

By adding two new sections to be Secs. 4 and 5 to read:

Sec. 4. INCREASE IN WAGES FOR INDEPENDENT DIRECT SUPPORT PROVIDERS

On or before January 15, 2014, the Secretary of Human Services shall submit to the House Committees on Human Services and on General, Housing, and Military Affairs, the Senate Committees on Health and Welfare and on Economic Development, Housing, and General Affairs, and the House and Senate Committees on Appropriations a written plan for continued increases in financial support through fiscal year 2021 for independent direct support providers providing services to individuals receiving home- and community-based services under the Choices for Care program, Attendant Services Program, Children's Personal Care Service Program, the Developmental Disabilities Services Program, or any successor program or similar program subsequently established.

Sec. 5. APPROPRIATION

The sum of \$570,000.00 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2014 for the purposes of a one-percent wage increase for all independent direct support providers providing services to individuals receiving home- and community-based services under the Choices for Care program, Attendant Services Program, Children's Personal Care Service Program, the Developmental Disabilities Services Program, or a similar program funded in whole or in part by the State of Vermont.

and by renumbering the remaining section to be numerically correct

Pending the question, Shall the House propose to the Senate to amend the House proposal of amendment as recommended by Rep. Komline of Dorset? **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 House propose to the Senate to amend the House proposal of amendment as recommended by Rep. Komline of Dorset? was decided in the negative. Yeas, 36. Nays, 99.

Those who voted in the affirmative are:

| | | |
|---------------------------------|---------------------------|-------------------------|
| Batchelor of Derby | Higley of Lowell | Morrissey of Bennington |
| Bouchard of Colchester | Hubert of Milton | Myers of Essex |
| Branagan of Georgia | Johnson of Canaan | Pearson of Burlington |
| Brennan of Colchester | Juskiewicz of Cambridge | Poirier of Barre City * |
| Cross of Winooski | Kilmartin of Newport City | Quimby of Concord |
| Cupoli of Rutland City | Koch of Barre Town | Scheuermann of Stowe |
| Davis of Washington | Komline of Dorset | Shaw of Pittsford |
| Devereux of Mount Holly | Larocque of Barnet | Smith of New Haven |
| Dickinson of St. Albans Town | Lawrence of Lyndon | Till of Jericho |
| Fagan of Rutland City | Lewis of Berlin | Turner of Milton |
| Goodwin of Weston | Marcotte of Coventry | Wright of Burlington |
| Hebert of Vernon | McFaun of Barre Town | |
| | Mitchell of Fairfax | |

Those who voted in the negative are:

| | | |
|-------------------------|------------------------|------------------------|
| Ancel of Calais | Christie of Hartford | Emmons of Springfield |
| Bartholomew of Hartland | Clarkson of Woodstock | Evans of Essex |
| Beyor of Highgate | Cole of Burlington | Feltus of Lyndon |
| Bissonnette of Winooski | Connor of Fairfield | Fisher of Lincoln |
| Botzow of Pownal | Conquest of Newbury | Frank of Underhill |
| Burke of Brattleboro | Consejo of Sheldon | French of Randolph |
| Buxton of Tunbridge | Corcoran of Bennington | Gage of Rutland City |
| Campion of Bennington | Deen of Westminster | Gallivan of Chittenden |
| Canfield of Fair Haven | Donaghy of Poultney | Grad of Moretown |
| Carr of Brandon | Donahue of Northfield | Greshin of Warren |
| Cheney of Norwich | Ellis of Waterbury | Haas of Rochester |

| | | |
|-----------------------------------|-----------------------------|---------------------------------|
| Head of South Burlington | Martin of Wolcott | Stevens of Waterbury |
| Heath of Westford | McCarthy of St. Albans City | Stevens of Shoreham |
| Helm of Fair Haven | McCormack of Burlington | Stuart of Brattleboro |
| Hooper of Montpelier | McCullough of Williston | Sweaney of Windsor |
| Huntley of Cavendish | Michelsen of Hardwick | Taylor of Barre City |
| Jerman of Essex | Miller of Shaftsbury | Toleno of Brattleboro |
| Jewett of Ripton | Mook of Bennington | Toll of Danville |
| Johnson of South Hero | Moran of Wardsboro | Townsend of Randolph |
| Keenan of St. Albans City | Mrowicki of Putney | Townsend of South Burlington |
| Kitzmiller of Montpelier | Nuovo of Middlebury | Trieber of Rockingham |
| Klein of East Montpelier | O'Brien of Richmond | Van Wyck of Ferrisburgh |
| Krebs of South Hero | O'Sullivan of Burlington | Vowinkel of Hartford |
| Krowinski of Burlington | Pearce of Richford | Waite-Simpson of Essex |
| Kupersmith of South Burlington | Peltz of Woodbury | Webb of Shelburne |
| Lanpher of Vergennes | Potter of Clarendon | Weed of Enosburgh |
| Lenes of Shelburne | Pugh of South Burlington | Wilson of Manchester |
| Lippert of Hinesburg | Rachelson of Burlington | Winters of Williamstown |
| Macaig of Williston | Ralston of Middlebury | Wizowaty of Burlington |
| Malcolm of Pawlet | Ram of Burlington | Woodward of Johnson |
| Manwaring of Wilmington | Russell of Rutland City | Yantachka of Charlotte |
| Marek of Newfane | Savage of Swanton | Young of Glover |
| Martin of Springfield | Sharpe of Bristol | |
| | South of St. Johnsbury | |

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

| | | |
|--------------------------------|-----------------------|---------------------------|
| Browning of Arlington | Dakin of Chester | Shaw of Derby |
| Burditt of West Rutland | Donovan of Burlington | Spengler of Colchester |
| Condon of Colchester | Fay of St. Johnsbury | Strong of Albany |
| Copeland-Hanzas of Bradford | Masland of Thetford | Terenzini of Rutland Town |
| | Partridge of Windham | Zagar of Barnard |

Pending the question, Shall the bill pass? **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? was decided in the affirmative. Yeas, 94. Nays, 41.

Those who voted in the affirmative are:

| | | |
|-------------------------|------------------------|--------------------------|
| Ancel of Calais | Clarkson of Woodstock | Evans of Essex |
| Bartholomew of Hartland | Cole of Burlington | Fagan of Rutland City |
| Bissonnette of Winooski | Connor of Fairfield | Fisher of Lincoln |
| Botzow of Pownal | Conquest of Newbury | Frank of Underhill |
| Burke of Brattleboro | Cross of Winooski | French of Randolph |
| Buxton of Tunbridge | Cupoli of Rutland City | Gallivan of Chittenden |
| Campion of Bennington | Davis of Washington | Grad of Moretown |
| Carr of Brandon | Deen of Westminster | Greshin of Warren |
| Cheney of Norwich | Ellis of Waterbury | Haas of Rochester |
| Christie of Hartford | Emmons of Springfield | Head of South Burlington |

| | | |
|-----------------------------------|-----------------------------|---------------------------------|
| Heath of Westford | Martin of Wolcott | Sharpe of Bristol |
| Hooper of Montpelier | McCarthy of St. Albans City | South of St. Johnsbury |
| Huntley of Cavendish | McCormack of Burlington | Stevens of Waterbury * |
| Jerman of Essex | McCullough of Williston | Stevens of Shoreham |
| Jewett of Ripton | McFaun of Barre Town * | Stuart of Brattleboro |
| Johnson of South Hero | Michelsen of Hardwick | Sweaney of Windsor |
| Keenan of St. Albans City | Miller of Shaftsbury | Taylor of Barre City |
| Kitzmiller of Montpelier | Mook of Bennington | Till of Jericho |
| Klein of East Montpelier | Moran of Wardsboro | Toleno of Brattleboro |
| Koch of Barre Town * | Mrowicki of Putney * | Toll of Danville |
| Krebs of South Hero | Nuovo of Middlebury | Townsend of Randolph |
| Krowinski of Burlington | O'Sullivan of Burlington | Townsend of South Burlington |
| Kupersmith of South Burlington | Pearson of Burlington | Vowinkel of Hartford |
| Lanpher of Vergennes | Peltz of Woodbury | Waite-Simpson of Essex |
| Larocque of Barnet | Poirier of Barre City | Webb of Shelburne |
| Lenes of Shelburne | Potter of Clarendon | Weed of Enosburgh |
| Lippert of Hinesburg | Pugh of South Burlington | Wizowaty of Burlington |
| Macaig of Williston | Rachelson of Burlington | Woodward of Johnson |
| Malcolm of Pawlet | Ralston of Middlebury | Wright of Burlington |
| Marek of Newfane * | Ram of Burlington | Yantachka of Charlotte |
| Martin of Springfield | Russell of Rutland City | Young of Glover |
| | Savage of Swanton | |

Those who voted in the negative are:

| | | |
|---------------------------------|---------------------------|-------------------------|
| Batchelor of Derby | Gage of Rutland City | Mitchell of Fairfax |
| Beyor of Highgate | Goodwin of Weston | Morrissey of Bennington |
| Bouchard of Colchester | Hebert of Vernon * | Myers of Essex |
| Branagan of Georgia | Helm of Fair Haven | O'Brien of Richmond |
| Brennan of Colchester | Higley of Lowell | Pearce of Richford |
| Canfield of Fair Haven | Hubert of Milton | Quimby of Concord |
| Consejo of Sheldon | Johnson of Canaan | Scheuermann of Stowe |
| Corcoran of Bennington | Juskiewicz of Cambridge | Shaw of Pittsford |
| Devereux of Mount Holly | Kilmartin of Newport City | Smith of New Haven |
| Dickinson of St. Albans Town | Komline of Dorset * | Trieber of Rockingham |
| Donaghy of Poultney | Lawrence of Lyndon | Turner of Milton |
| Donahue of Northfield | Lewis of Berlin | Van Wyck of Ferrisburgh |
| Feltus of Lyndon | Manwaring of Wilmington | Wilson of Manchester |
| | Marcotte of Coventry | Winters of Williamstown |

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

| | | |
|--------------------------------|-----------------------|---------------------------|
| Browning of Arlington | Dakin of Chester | Shaw of Derby |
| Burditt of West Rutland | Donovan of Burlington | Spengler of Colchester |
| Condon of Colchester | Fay of St. Johnsbury | Strong of Albany |
| Copeland-Hanzas of Bradford | Masland of Thetford | Terenzini of Rutland Town |
| | Partridge of Windham | Zagar of Barnard |

Rep. Cross of Winooski explained his vote as follows:

“Mr. Speaker:

I voted yes to allow our friends and neighbors to organize in a union if they so vote. I hope that those who proposed a direct raise for these deserving employees this afternoon and those who voted yes on this bill will join together and agree to fully fund whatever collective bargaining contract is worked out between the parties.”

Rep. Hebert of Vernon explained his vote as follows:

“Mr. Speaker:

I vote no to this injustice. How can we deny these hard working and deserving Vermonters a pay increase with one vote and then deliver an empty vessel with the next?”

Rep. Koch of Barre Town explained his vote as follows:

“Mr. Speaker:

My vote in favor of this bill is cast notwithstanding a number of reservations, including:

1. This arrangement is extremely awkward. The recipient of services is the actual employer, but the bill proposes to allow workers to form a union to negotiate not the employers, but with the state.
2. The state has limited funds. If an increased wage rate is negotiated, it may result in decreased levels of service.
3. While pay raises may be successfully negotiated, they may be so small – in view of the state’s limited resources – that the pay raises may be eaten up by union dues.
4. This bill may violate the National Labor Relations Act, in that the union will be negotiating with the state – not with the employers.”

Rep. Komline of Dorset explained her vote as follows:

“Mr. Speaker:

I support helping these workers but without my amendment I can’t be sure this bill would do anything but feed a union’s bureaucracy on the backs of a program meant to benefit Vermont’s most needy.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

This bill simply allows a group of workers who serve out state and some of its most vulnerable citizens the right to consider forming a union. The arguments against it rest entirely on speculation about what might happen if they do – not fact, but sheer speculation. That was no reason to deny them the same right other Vermont workers enjoy – simply to bargain for their pay and working conditions.”

Rep. McFaun of Barre Town explained his vote as follows:

“Mr. Speaker:

These workers have been trying for years to get proper compensation for the work they perform – to no avail. Some of the work they do is critical in assisting an individual to carry out the most basic actions of life. That’s when you join together in a union to fight as a group for what is right and fair. That’s why I vote yes on this bill.”

Rep. Mrowicki of Putney explained his vote as follows:

“Mr. Speaker:

I would imagine for those watching in the gallery or listening at home, it might be confusing to hear how the last two votes were registered. The bottom line is I voted to support your right to organize, along with all those who voted yes on this vote.”

Rep. Poirer of Barre City explained his vote as follows:

“Mr. Speaker:

I voted ‘yes’ as this is another sad day for low income workers in Vermont.”

Rep. Stevens of Waterbury explained his vote as follows:

“Mr. Speaker:

This bill is a major step forward for working Vermonters, as well as for the elderly and people with disabilities who so desperately need their support services. By voting to allow home care workers to have a seat at the table, we are fulfilling another part of our promise to provide better working conditions to those who provide the most intimate services to our most vulnerable population.”

Rep. Toll of Danville explained her vote as follows:

“Mr. Speaker:

I voted no. Not because I do not support these workers, but because I feel no additional pressure can be put on the state budget. I look forward to joining those who voted yes today by voting yes on the budget supporting a 3% increase for these valuable workers.”

Bill Committed

S. 7

Senate bill, entitled

An act relating to social networking privacy protection

Appearing on the Calendar for action, was taken up and pending the reading of the report of the committee on General, Housing and Military Affairs, on motion of **Rep. Ralston of Middlebury**, the bill was committed to the committee on Judiciary.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 85

Rep. Kitzmiller of Montpelier, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to workers' compensation for firefighters and rescue or ambulance workers

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

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

Sec. 2. EDUCATION AND TRAINING

The Department of Health shall provide annual education and training to emergency medical personnel licensed under 18 V.S.A. chapter 17 and the Vermont Fire Academy shall provide annual education and training to firefighters on the requirements of the Occupational Safety and Health Administration standards 1910.134 (respiratory protection) and 1910.1030 (bloodborne pathogens).

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.

Action on Bill Postponed**H. 533**

House bill, entitled

An act relating to capital construction and state bonding

Was taken up and pending the question, Whall the House concur in the Senate proposal of amendment? on motion of **Rep. Emmons of Springfield**, action on the bill was postponed until the next legislative day.

Bill Referred to Committee on Ways and Means**S. 130**

Senate bill, entitled

An act relating to encouraging flexible pathways to secondary school completion

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

Adjournment

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