

Journal of the House

Friday, April 4, 2014

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

Devotional Exercises

Devotional exercises were conducted by Rev. Robin Junker of Bethany Church, Randolph, Vt.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Emily Aldrich of Monkton
Lucy Boyden of Cambridge
Henry Drake of Waterbury
Josie Ford of South Burlington
Elizabeth Goodell of Newbury
Robin Goodwin of Stockbridge
Isabel Jamieson of Waitsfield
Catherine Michael of South Burlington
Rachel Rackliff of Jericho
Aliyah Rosen of East Montpelier
James Tedesco of Woodbury

Joint Resolution Referred to Committee

J.R.H. 19

Joint resolution relating to encouraging New Hampshire to enact laws protecting emergency responders from across state lines

Offered by: Representatives Sweaney of Windsor, Bartholomew of Hartland, Dakin of Chester, Emmons of Springfield, and Martin of Springfield

Whereas, pre-hospital care is reliant on the thorough cooperation of medical care providers from many jurisdictions and from volunteers who make up a large portion of the staffing of emergency medical service units, and

Whereas, mutual aid agreements exist between Vermont and New Hampshire Fire Departments and rescue squads to promote that cooperation

across state borders for that pre-hospital medical care as well as fire protection and response to all emergencies, and

Whereas, on August 22, 2006, the Springfield Vermont Fire Department responded to a 911 call for help for a woman who had fallen from a dock on the Connecticut River; the woman, having suffered minor injuries, was not able to walk, pull herself up onto the dock, or climb the riverbank, and therefore required assistance, and

Whereas, the Springfield Vermont Fire Department responded and subsequently requested and received mutual aid assistance from the Town of Charlestown and the Cornish Rescue Squad, both New Hampshire entities; and the Cornish Rescue Squad responded with its airboat to transport the patient to a landing for transfer to an ambulance, and

Whereas, the patient was transferred to a Stokes basket rescue litter, immobilized for carrying, and secured to the airboat for transport to the boat landing in Springfield, Vermont, and, as the Cornish Rescue Squad attempted to transport the patient to the landing, the airboat sank in a portion of the river within the jurisdiction of Charlestown, New Hampshire, and the patient drowned, and

Whereas, the decedent's estate filed suit in New Hampshire Superior Court against various parties including the Town of Springfield and a number of New Hampshire entities, and

Whereas, because Springfield is outside the State of New Hampshire and the rescue boat sank within the jurisdiction of New Hampshire, the New Hampshire Superior Court denied to the Town of Springfield both the immunity protections provided by Vermont law and those liability protections provided to New Hampshire towns by New Hampshire law, thereby causing Springfield to be exposed to unlimited liability while the New Hampshire entities received the full protections provided under New Hampshire law, and

Whereas, the New Hampshire Supreme Court denied Springfield, Vermont's motion for reconsideration or to hear an interlocutory appeal of the case, and

Whereas, the Town of Springfield, Vermont, and its coverage provider, the VLCT Property and Casualty Intermunicipal Fund self-insured risk pool, had to pay approximately \$700,000.00 as a result of a settlement necessitated by the lack of legal protections, and

Whereas, failure to address the Vermont emergency responders' exposure to liability that resulted from these New Hampshire court decisions detrimentally affects the willingness of Vermont municipalities in border areas to cooperate

with New Hampshire authorities in providing emergency services in the future, and

Whereas, there is a possible remedy to this injustice in statute if the New Hampshire Legislature were to review and amend several statutes, including: RSA 153-A:2, RSA 153-A:19, RSA 154:1-d, RSA 508:12, RSA 508:12-b, and RSA 508:17, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly respectfully requests the New Hampshire Legislature to amend New Hampshire statutes necessary to offer the same protections to Vermont emergency service entities responding in New Hampshire as those offered to New Hampshire entities, and be it further

Resolved: That the General Assembly affirms its support for cooperation between Vermont and New Hampshire emergency response entities and for protection from liability that is afforded equitably to both Vermont and New Hampshire entities, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the New Hampshire Speaker of the House, Terie Norelli, and the President of the Senate, Chuck Morse, and to the Governor of New Hampshire, Maggie Hassan.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Government Operations.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 740

House bill, entitled

An act relating to transportation improvement fees;

H. 881

House bill, entitled

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

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 86

Senate bill, entitled

An act relating to miscellaneous changes to election laws

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Third Reading; Bill Passed in Concurrence

S. 296

Senate bill, entitled

An act relating to the Defender General's duty to investigate issues related to the health, safety, and welfare of inmates in correctional facilities

Was taken up, read the third time and passed in concurrence.

Bill Amended; Third Reading Ordered

H. 757

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

An act relating to exemptions to the Public Records Act

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

* * * Rulemaking; Identification of PRA Exemptions * * *

Sec. 1. 3 V.S.A. § 838 is amended to read:

§ 838. FILING OF PROPOSED RULES

(a) Proposed rules shall be filed with the ~~secretary of state~~ Secretary of State. The filing shall include the following:

- (1) a cover sheet;
- (2) an economic impact statement;
- (3) an incorporation by reference statement, if the proposed rule includes an incorporation by reference;
- (4) an adopting page;
- (5) the text of the proposed rule;

- (6) an annotated text showing changes from existing rules;
- (7) an explanation of the strategy for maximizing public input on the proposed rule as prescribed by the ~~interagency committee on administrative rules~~ Interagency Committee on Administrative Rules; and
- (8) a brief summary of the scientific information upon which the proposed rule is based to the extent the proposed rule depends on scientific information for its validity.
- (b) The cover sheet shall be on a form prepared by the ~~secretary of state~~ Secretary of State containing at least the following information:
- (1) the name of the agency;
- (2) the title or subject of the rule;
- (3) a concise summary explaining the effect of the rule;
- (4) the specific statutory authority for the rule, and, if none exists, the general statutory authority for the rule;
- (5) an explanation of why the rule is necessary;
- (6) an explanation of the people, enterprises, and government entities affected by the rule;
- (7) a brief summary of the economic impact of the rule;
- (8) the name, address, and telephone number of an individual in the agency able to answer questions and receive comments on the proposal;
- (9) a proposed schedule for completing the requirements of this chapter, including, if there is a hearing scheduled, the date, time, and place of that hearing; and a deadline for receiving comments; ~~and~~
- (10) whether the rule adopts an exemption from inspection and copying of public records or designates information as confidential and, if so, the asserted statutory authority for the exemption or confidentiality designation and a brief summary of the need for the exemption or confidentiality; and
- (11) a signed and dated statement by the adopting authority approving the contents of the filing.

* * *

* * * Short Title * * *

Sec. 2. 1 V.S.A. § 315 is amended to read:

§ 315. STATEMENT OF POLICY; SHORT TITLE

(a) It is the policy of this subchapter to provide for free and open examination of records consistent with Chapter I, Article 6 of the Vermont Constitution. Officers of government are trustees and servants of the people and it is in the public interest to enable any person to review and criticize their decisions even though such examination may cause inconvenience or embarrassment. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Consistent with these principles, the General Assembly hereby declares that certain public records shall be made available to any person as hereinafter provided. To that end, the provisions of this subchapter shall be liberally construed to implement this policy, and the burden of proof shall be on the public agency to sustain its action.

(b) This subchapter may be known and cited as the Public Records Act or the PRA.

* * * Exemptions to the Public Records Act * * *

* * * Commerce and Historic Preservation-Related Exemptions * * *

Sec. 3. STATEMENT OF PURPOSE

Sec. 4 of this act repeals 1 V.S.A. § 317(c)(22), which exempted from public inspection and copying any documents filed, received, or maintained by the Agency of Commerce and Community Development with regard to administration of 32 V.S.A. chapter 151, subchapters 11C and 11D (new jobs tax credit; manufacturer's tax credit), provided that all such documents were no longer exempt when a tax credit certification had been granted by the Secretary of Administration unless the disclosure of such records would otherwise violate any provision of Title 32. Subchapters 11C and 11D of 32 V.S.A. chapter 151 were repealed in 2006, and thus the exemption at 1 V.S.A. § 317(c)(22) is no longer needed going forward. However, if the Agency of Commerce and Community Development or any other public agency has custody of records described in the former 1 V.S.A. § 317(c)(22), these records shall remain exempt from public inspection and copying as they were under the former 1 V.S.A. § 317(c)(22).

Sec. 4. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

* * *

(10) lists of names compiled or obtained by a public agency when disclosure would violate a person's right to privacy or produce public or private gain; ~~provided, however, that this section does not apply to, except~~ lists;

(A) which are by law made available to the public; ~~or to lists;~~

(B) of professional or occupational licensees; ~~or~~

(C) sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine's continued financial viability and pursuant to specific guidelines adopted by the editor of the magazine;

* * *

(20) information ~~which~~ that would reveal the location of archeological sites and underwater historic properties, except as provided in 22 V.S.A. § ~~762~~ 761;

(21) ~~lists of names compiled or obtained by Vermont Life magazine for the purpose of developing and maintaining a subscription list, which list may be sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine's continued financial viability, and is exercised pursuant to specific guidelines adopted by the editor of the magazine; [Repealed.]~~

(22) ~~any documents filed, received, or maintained by the Agency of Commerce and Community Development with regard to administration of 32 V.S.A. chapter 151, subchapters 11C and 11D (new jobs tax credit; manufacturer's tax credit), except that all such documents shall become public records under this subchapter when a tax credit certification has been granted by the Secretary of Administration, and provided that the disclosure of such documents does not otherwise violate any provision of Title 32; [Repealed.]~~

* * *

(30) ~~all code and machine readable structures of state funded and controlled~~ State-controlled database applications structures and application code, including the vermontvacation.com website and Travel Planner application, which are known only to certain ~~state~~ State departments engaging in marketing activities and which give the ~~state~~ State an opportunity to obtain a marketing advantage over any other state, regional, or local governmental or nonprofit quasi-governmental entity, or private sector entity, unless any such ~~state~~ State department engaging in marketing activities determines that the

license or other voluntary disclosure of such materials is in the ~~state's~~ State's best interests;

* * *

(40) records of genealogy provided in an application or in support of an application for tribal recognition pursuant to chapter 23 of this title;

* * *

Sec. 5. 9 V.S.A. § 4100b is amended to read:

§ 4100b. ENFORCEMENT; TRANSPORTATION BOARD

* * *

(e) The Board shall be empowered to determine the location of hearings, appoint persons to serve at the deposition of out-of-state witnesses, administer oaths, and authorize stenographic or recorded transcripts of proceedings before it. Prior to the hearing on any protest, but no later than 45 days after the filing of the protest, the Board shall require the parties to the proceeding to attend a prehearing conference in which the Chair or designee shall have the parties address the possibility of settlement. If the matter is not resolved through the conference, the matter shall be placed on the Board's calendar for hearing. ~~Conference discussions~~ Settlement communications shall remain confidential ~~and~~, shall be exempt from public inspection and copying under the Public Records Act, shall not be disclosed ~~or~~, and shall not be used as an admission in any subsequent hearing.

* * *

* * * Education-Related Exemptions * * *

Sec. 6. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

* * *

(11) student records, including records of a home study student, ~~at educational institutions or agencies funded wholly or in part by State revenue;~~ provided, however, that such records shall be made available upon request under the provisions of the Federal Family Educational Rights and Privacy Act of 1974 (~~P.L. 93-380~~) and as, 20 U.S.C. § 1232g, as may be amended;

* * *

(23) any data, records, or information ~~developed, discovered, collected, or received~~ produced or acquired by or on behalf of faculty, staff, employees,

or students of the University of Vermont or the Vermont ~~state colleges~~ State Colleges in the conduct of study, research, or creative efforts on medical, scientific, technical, scholarly, or artistic matters, whether such activities are sponsored alone by the institution or in conjunction with a governmental body or private entity, until such data, records, or information ~~are~~ is published, disclosed in an issued patent, or publicly released by the institution or its authorized agents. This subdivision applies to, ~~but is not limited to,~~ research notes and laboratory notebooks, lecture notes, manuscripts, creative works, correspondence, research proposals and agreements, methodologies, protocols, and the identities of or any personally identifiable information about participants in research. This subdivision shall not apply to records, other than research protocols, produced or acquired by an institutional animal care and use committee regarding the committee's compliance with State law or federal law regarding or regulating animal care;

* * *

Sec. 7. 16 V.S.A. § 2826 is added to read:

§ 2826. CONFIDENTIALITY OF PERSONALLY IDENTIFYING INFORMATION

Except as otherwise provided by law, or by consent of the individual, information that directly or indirectly identifies applicants, recipients, beneficiaries, or participants in programs administered by the Corporation, including grant, loan, scholarship, outreach, or investment plan programs, shall not be released and shall be exempt from public inspection and copying under 1 V.S.A. § 317(c)(7).

Sec. 8. 16 V.S.A. § 2843 is amended to read:

§ 2843. APPLICATIONS, CERTIFICATES, AND REPORTS

(a) The recipient must apply for an incentive grant at least annually. Grants may be for a maximum of five full-time equivalent school years.

(b) Each applicant for an incentive grant shall furnish a certificate of income with the application. Attached to the certificate shall be a form of consent, executed by the student and any other required persons, granting permission to the Vermont ~~commissioner of taxes~~ Commissioner of Taxes to disclose the income tax information required by subsection (c) of this section.

(c) The Vermont ~~commissioner of taxes~~ Commissioner of Taxes, when requested by the ~~corporation~~ Corporation, shall compare any certificate filed pursuant to this subchapter with the ~~state~~ State income tax returns filed by the

persons making such certificate and shall report any instances of discrepancy to the corporation.

~~(d) Except as otherwise provided in this subchapter or other applicable law or court order, or by agreement of the applicant, certificates and reports made to the corporation under this section shall be confidential, and it shall be unlawful for anyone to divulge the amount of income or any particulars set forth in a certificate or any report made to an applicant or the corporation. Nothing herein shall be construed to prevent the publication of statistical data as long as the identification of particular individuals, certificates, and reports is prevented. [Repealed.]~~

* * * Financial Regulation-Related Exemptions * * *

Sec. 9. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

* * *

~~(26) information and records provided to the Department of Financial Regulation by an individual~~ a person for the purposes of having the ~~department~~ Department assist that ~~individual~~ person in resolving a dispute with any person ~~or company~~ regulated by the Department, and any information or records provided by a ~~company or any other~~ person in connection with the ~~individual's~~ dispute;

* * *

~~(36) anti-fraud plans and summaries submitted by insurers to the Department of Financial Regulation~~ for the purposes of complying with 8 V.S.A. § 4750;

* * *

Sec. 10. 8 V.S.A. § 3839 is amended to read:

§ 3839. REPORTING REQUIREMENTS AND PRIVACY

(a) Each life settlement provider shall file with the ~~commissioner~~ Commissioner on or before March 1 of each year an annual statement containing such information as the ~~commissioner~~ Commissioner may prescribe by rule or order. Information relating to life settlement transactions shall be limited to only those transactions where the policy owner is a resident of this state. Upon proper request by the filer, the ~~commissioner~~ Commissioner shall maintain the confidentiality of and not release trade secret information exempt from public inspection and copying under 1 V.S.A. § 317(c)(9). The annual

statement shall not contain ~~individually identifiable~~ individually identifiable life settlement transaction information, but such information shall be provided to the ~~commissioner~~ Commissioner pursuant to section 3840 of this title. If available to the provider because of the provider's business relationship or affiliation with one or more life settlement purchasers, the annual statement shall also include such information as the ~~commissioner~~ Commissioner may prescribe by rule or by order concerning life settlement purchase agreements or similar investment contracts entered into by residents of this ~~state~~ State.

* * *

Sec. 11. 8 V.S.A. § 4488(5) is amended to read:

(5) Notice of termination of appointment of insurance agent. Every society doing business in this State shall, upon the termination of the appointment of any insurance agent licensed to represent it in this ~~state~~ State, forthwith file with the Commissioner of Financial Regulation, a statement, in such form as he or she may prescribe, of the facts relative to the termination and the cause thereof. Every statement made pursuant to this section ~~shall be deemed a~~ is confidential and privileged communication to the same extent as provided under subsection 4813m(f) of this title.

Sec. 12. 8 V.S.A. § 7041(e) is amended to read:

(e) The notice of hearing held under subsection (a) of this section and any order issued pursuant to subsection (a) shall be served upon the insurer pursuant to the provisions of 3 V.S.A. chapter 25. The notice of hearing shall state the time and place of hearing, and the conduct, condition or ground upon which the Commissioner may base his or her order. Unless mutually agreed between the Commissioner and the insurer, the hearing shall occur not less than ten days nor more than 30 days after notice is served and shall be held at the offices of the Department of Financial Regulation or in some other place convenient to the parties as determined by the Commissioner. Hearings Unless the insurer requests a public hearing, hearings under subsection (a) of this section shall be private and shall not be subject to the provisions of 1 V.S.A. chapter 5, subchapters 2 and 3 (public information and access to public records), unless the insurer requests a public hearing exempt from the requirements of the Open Meeting Law, and records of such hearings shall be exempt from public inspection and copying under the Public Records Act.

* * * Health Care-Related Exemptions * * *

Sec. 13. 1 V.S.A. § 317(c)(38) is amended to read:

(38) records held by the agency of human services, which include prescription information containing ~~prescriber identifiable~~ data, that could be used to identify a prescriber, except that the records shall be made available upon request for medical research, consistent with and for purposes expressed in 18 V.S.A. §§ ~~4621, 4631, 4632, 4633, and 4622~~ or 9410 ~~and~~, 18 V.S.A. chapter 84, ~~or as provided for in 18 V.S.A. chapter~~ or 84A, and for other law enforcement activities;

Sec. 14. 8 V.S.A. § 4089a is amended to read:

§ 4089a. MENTAL HEALTH CARE SERVICES REVIEW

* * *

(i) The confidentiality of any health care information acquired by or provided to ~~the~~ an independent panel of mental health professionals or to an independent review organization pursuant to section 4089f of this title shall be maintained in compliance with any applicable State or federal laws. ~~The independent panel shall not constitute a public agency 1 V.S.A. § 317(a), or a public body under section 310 of Title 1.~~ Records of, and internal materials prepared for, specific reviews under this section shall be exempt from public disclosure under 1 V.S.A. § 316.

Sec. 15. 18 V.S.A. § 7103 is amended to read:

§ 7103. DISCLOSURE OF INFORMATION

(a) All certificates, applications, records, and reports, other than an order of a court made for the purposes of this part of this title, ~~and which~~ that directly or indirectly ~~identifying~~ identifies a patient or former patient or an individual whose hospitalization or care has been sought or provided under this part, together with clinical information relating to such persons, shall be kept confidential and shall not be disclosed by any person except ~~insofar~~:

(1) as the following persons have consented to disclosure in writing:

(A) the individual identified, in the records;

(B) the individual's health care agent under subsection 5264 an advance directive that has become effective under section 9706 of this title; or

(C) the individual's legal guardian, if any (or, or, if the individual is an unemancipated minor, his or her parent or legal guardian), shall consent in writing guardian; or

(2) to a person specifically authorized by the individual to receive health care information under an advance directive that has become effective under section 9706 of this title;

(3) as disclosure may be necessary to carry out any of the provisions of this part; or

~~(3)~~(4) as a court may direct upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make disclosure would be contrary to the public interest.

(b) Nothing in this section shall preclude disclosure, ~~upon proper inquiry,~~ of information concerning an individual's medical condition ~~to the individual's family, clergy, physician, attorney, the individual's health care agent under section 5264 of this title, a person to whom disclosure is authorized by a validly executed durable power of attorney for health care, or to an interested party~~ a person authorized by law.

* * *

Sec. 16. IDENTITY OF VERMONT STATE HOSPITAL PATIENTS

BURIED ON HOSPITAL GROUNDS FROM 1892 TO 1913

Consistent with the intent of Joint Resolution No. R-109 (2013) to preserve the memory of individuals buried in the cemetery and on the grounds of the former Vermont State Hospital in Waterbury, and to enable the identification of individuals buried in unmarked graves so that these individuals will not be left unknown, the State of Vermont may release records dating from 1892 to 1913 that identify patients of the former Vermont State Hospital in Waterbury, but only to the extent necessary to assist in the identification of patients buried in the Hospital's cemetery or on its grounds in unmarked graves from 1892 to 1913.

* * * Human Services-Related Exemptions * * *

Sec. 17. 33 V.S.A. § 105(c) is amended to read:

(c) In addition to other duties imposed by law, the ~~commissioner~~ Commissioner shall:

(1) ~~Administer~~ administer the laws assigned to the ~~department.~~ Department; and

(2) ~~Fix~~ fix standards and issue regulations necessary to administer those laws and for the custody and preservation of records of the ~~department.~~ Those regulations shall contain provisions restricting the use or disclosure of information contained in the records to purposes directly connected with the

~~administration of the department. As used in this subdivision, the word "records" includes records, papers, files and communications~~ Department.

* * *

Sec. 18. 33 V.S.A. § 111 is amended to read:

§ 111. RECORDS, RESTRICTIONS, PENALTIES

(a) The names of or information pertaining to applicants for or recipients of assistance or benefits, including information obtained under section 112 of this title, shall not be disclosed to anyone, except for the purposes directly connected with the administration of the ~~department~~ Department or when required by law.

(b) A person shall not:

(1) ~~Publish~~ publish, use, disclose, or divulge any of those records for purposes not directly connected with the administration of programs of the ~~department~~ Department, or contrary to regulations issued by the ~~commissioner~~; or

(2) ~~Use any records of the department of any kind or description for political or commercial purposes, or purposes not authorized by law~~ Commissioner.

Sec. 19. 33 V.S.A. § 908 is amended to read:

§ 908. POWERS AND DUTIES

(a) Each nursing home or other provider shall file with the ~~division~~ Division, on request, such data, statistics, schedules, or information as the ~~division~~ Division may require to enable it to carry out its function. Information received from a nursing home under this section shall be available to the public, except that the specific salary and wage rates of employees, other than the salary of an administrator, shall not be disclosed unless disclosure is required under 1 V.S.A. § 317(b).

(b) The ~~division~~ Division shall have the power to examine books and accounts of any nursing home or other provider caring for ~~state-assisted~~ State-assisted persons, to subpoena witnesses and documents, to administer oaths to witnesses and to examine them on all matters of which the ~~division~~ Division has jurisdiction.

(c) The ~~secretary~~ Secretary shall adopt all rules and regulations necessary for the implementation of this chapter.

Sec. 20. 33 V.S.A. § 2010(e) is amended to read:

(e) Notwithstanding any provision of law to the contrary, information submitted to the Department under this section ~~is confidential and is not a public record as defined in 1 V.S.A. § 317(b)~~ shall be exempt from public inspection and copying under the Public Records Act and shall not be released. Disclosure may be made by the Department to an entity providing services to the Department under this section; however, that disclosure does not change the confidential status of the information. The information may be used by the entity only for the purpose specified by the Department in its contract with the entity. Data compiled in aggregate form by the Department for the purposes of reporting required by this section are public records as defined in 1 V.S.A. § 317(b), provided they do not reveal trade information protected by State or federal law.

* * * Natural Resources-Related Exemptions * * *

Sec. 21. 10 V.S.A. § 101 is amended to read:

§ 101. DIVISION OF GEOLOGY AND MINERAL RESOURCES; DUTIES

The ~~division of geology and mineral resources~~ Division of Geology and Mineral Resources shall:

* * *

(6) Maintain records of old and new information relating to the geology, mineral resources, and topography of the state ~~and make public new information resulting from research and field studies conducted by or for the division. Certain information provided by the mineral industries of the state may be held in confidential status at the industries' request and used only for purposes and in a manner permitted by the industry~~ State.

(7) Prepare and publish reports on the geology, mineral resources, and topography of the state State.

Sec. 22. 10 V.S.A. § 1259 is amended to read:

§ 1259. PROHIBITIONS

(a) No person shall discharge any waste, substance, or material into waters of the State, nor shall any person discharge any waste, substance, or material into an injection well or discharge into a publicly owned treatment works any waste which interferes with, passes through without treatment, or is otherwise incompatible with those works or would have a substantial adverse effect on those works or on water quality, without first obtaining a permit for that discharge from the Secretary. This subsection shall not prohibit the proper application of fertilizer to fields and crops, nor reduce or affect the authority or

policy declared in Joint House Resolution 7 of the 1971 Session of the General Assembly.

(b) Any records, ~~reports~~ or information obtained under this permit program shall be available to the public for inspection and copying. However, upon a showing satisfactory to the Secretary that any records, reports or information or part thereof, other than effluent data, would, if made public, divulge methods or processes entitled to protection as that constitute trade secrets, the Secretary shall treat and protect those records, reports or information as confidential. Any shall be exempt from public inspection and copying under 1 V.S.A. § 317(c)(9) and shall not be released, except that such records, reports or information ~~accorded confidential treatment~~ will be disclosed to authorized representatives of the State and the United States when relevant to any proceedings under this chapter.

Sec. 23. 10 V.S.A. § 6628 is amended to read:

§ 6628. PLAN, PLAN SUMMARY, AND PERFORMANCE REPORT REVIEW

(a) Except as provided for in this section, a ~~toxics use reduction and hazardous waste reduction plan~~ Toxics Use Reduction and Hazardous Waste Reduction Plan developed under this subchapter shall be retained at the facility and is not a public record under 1 V.S.A. § 317. If a person developing a Toxics Use Reduction and Hazardous Waste Reduction Plan under this chapter chooses to send all or a portion of the plan to the Secretary for review, it ~~still~~ shall ~~not~~ be a ~~public record~~ exempt from public inspection and copying under 1 V.S.A. § 317(c)(9) and shall not be released. A plan summary submitted pursuant to section 6629 of this title shall be submitted to the Secretary and shall be a public record.

* * *

Sec. 24. 10 V.S.A. § 6632 is amended to read:

§ 6632. TRADE SECRETS

The ~~secretary~~ Secretary shall adopt rules to ensure that trade secrets designated by a generator in all or a portion of the review and plans, and the report required by this subchapter, ~~are utilized~~ which are exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), shall be used by the ~~secretary~~ Secretary, the ~~department~~ Department, and any authorized representative of the Department only in connection with the responsibilities of the Department pursuant to this subchapter, and ~~that those trade secrets are not~~ otherwise disseminated by the ~~secretary, the department, or any authorized representative of the department~~. The rules shall provide that a

~~generator may only designate as trade secrets those that satisfy the criteria for trade secrets set forth in 18 V.S.A. § 1728(a) shall not be released.~~

* * * Public Service Corporation-Related Exemptions * * *

Sec. 25. 30 V.S.A. § 206 is amended to read:

§ 206. INFORMATION TO BE FURNISHED DEPARTMENT

On request by the ~~department of public service~~ Department of Public Service, a company owning or operating a plant, line, or property subject to supervision under this chapter shall furnish the ~~department~~ Department information required by it concerning the condition, operation, management, expense of maintenance and operation, cost of production, rates charged for service or for product, contracts, obligations, and the financial standing of such company. It shall also inform the ~~department~~ Department of the salaries of, the pensions, option, or benefit programs affecting, and the expenses reimbursed to, its officers or directors, or both. ~~Such information shall be open to public inspection at reasonable times and any person shall be entitled to copies thereof. Information exacted for use by the department in a particular instance shall not be made public, except in the discretion of the department.~~

* * * Trade Secrets * * *

Sec. 26. 1 V.S.A. § 317(c)(9) is amended to read:

(9) trade secrets, meaning confidential business records or information, including any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is ~~known only to certain individuals within a commercial concern~~ a commercial concern makes efforts that are reasonable under the circumstances to keep secret, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know it or use it, except that the disclosures required by 18 V.S.A. § 4632 ~~shall not be included in~~ are not exempt under this subdivision;

* * * Transportation and Motor Vehicle-Related Exemptions * * *

Sec. 27. 23 V.S.A. § 707 is amended to read:

§ 707. RECORDS REQUIRED; MAINTENANCE OF VEHICLES

Every driver's training school licensee shall keep a record on such forms as the ~~commissioner~~ Commissioner may prescribe showing the name and address of each instructor, the instruction license number of such instructor, the particular type of instruction given and how much time was given to each type of instruction, and such other information as the ~~commissioner~~ Commissioner

may require. Such record shall be open to the inspection of the ~~department~~ Department at all reasonable times ~~but shall be for the confidential use of the department.~~ Individually identifying information about students may be exempt from public inspection and copying under 1 V.S.A. § 317(c)(7). Every driver's training school licensee shall maintain all vehicles used in driver training in safe mechanical condition at all times.

* * * List of Statutory PRA Exemptions * * *

Sec. 28. 1 V.S.A. § 317(d) is added to read:

(d) On or before December 1, 2014, the Office of Legislative Council shall compile a list of all Public Records Act exemptions found in the Vermont Statutes Annotated. In compiling the list, the Office of Legislative Council shall consult with the Attorney General's office. The list shall be updated no less often than every two years, and shall be arranged by subject area, and in order by title and section number. The list, and any updates thereto, shall be posted on the websites of the General Assembly, the Secretary of State's Office, the Attorney General's Office, and the State Library, and shall be sent to the Vermont League of Cities and Towns.

* * * Effective Date * * *

Sec. 29. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

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

Favorable Report; Third Reading Ordered

H. 888

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

An act relating to approval of amendments to the charter of the Town of Milton

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

J.R.S. 47

Rep. Macaig of Williston, for the committee on Corrections and Institutions, to which had been referred Joint resolution, entitled

Joint resolution relating to the approval of State land transactions

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

Senate Proposal of Amendment Concurred in

H. 583

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

An act relating to the charge of the Vermont Child Poverty Council

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

Sec. 1. 2007 Acts and Resolves No. 68, Sec. 1 is amended to read:

Sec. 1. VERMONT CHILD POVERTY COUNCIL

* * *

(b)(1) The ~~council~~ Council shall consist of the following members or their designees:

(A) the ~~president pro tempore of the senate~~ President Pro Tempore of the Senate;

(B) the ~~speaker of the house of representatives~~ Speaker of the House of Representatives;

(C) the ~~chair of the senate committee on health and welfare~~ Chair of the Senate Committee on Health and Welfare;

(D) the ~~chair of the house committee on human services~~ Chair of the House Committee on Human Services;

(E) the ~~chair of the senate committee on education~~ Chair of the Senate Committee on Education;

(F) the ~~chair of the house committee on education~~ Chair of the House Committee on Education;

(G) ~~the commissioners of the departments for children and families; of health; of education; and of labor~~ Commissioners for Children and Families; of Health; and of Labor; and the Secretaries of Human Services and of Education; and

(H) one representative each from Voices for Vermont's Children, the Vermont ~~low income advocacy council~~ Low Income Advocacy Council, Vermont Legal Aid, and the Vermont ~~superintendents' association~~ Superintendents' Association.

* * *

(3) The ~~council~~ Council shall meet up to six times while the ~~general assembly~~ General Assembly is not in session to perform its functions under this section. ~~In addition, during the 2007 legislative interim, the council shall hold 14 public hearings as required under subsection (d) of this section. The Council may meet an unlimited number of times during the legislative session, but legislative Council members shall not receive compensation and reimbursement for expenses pursuant to subsection (e) of this section for participation in meetings during the legislative session.~~

(e) Funds from private and public sources may be accepted and utilized by the ~~council~~ Council to develop and implement the plan and provisions of this section. ~~Legislative For participation in meetings during the legislative interim, legislative members of the committee~~ Council shall be entitled to compensation and reimbursement for expenses under ~~section 406 of Title 2~~ 2 V.S.A. § 406. ~~All other members not receiving compensation for service on the committee from another source are entitled to compensation under section 1010 of Title 32. Nonlegislative members who are not otherwise compensated and reimbursed for their participation on the Council shall be entitled to receive compensation and reimbursement of expenses under 32 V.S.A. § 1010.~~

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 676

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

An act relating to regulation of land uses within flood hazard areas

In Sec. 1, 10 V.S.A. § 754, in subsection (f), after the phrase “flood hazard area,” by inserting the words or river corridor and after the words “chapter 117” by inserting the words or commence construction of a State-owned and – operated institution or facility located within a flood hazard area or river corridor,

Which proposal of amendment was considered and concurred in.

Recess

At ten o'clock and twenty minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and fifty-two minutes in the forenoon, the Speaker called the House to order.

Bill Amended, Read Third Time and Passed

H. 889

House bill, entitled

An act relating to setting the statewide education tax base rates and base education amount for fiscal year 2015 and making several changes to Vermont's education financing laws

Was taken up and pending third reading of the bill, **Rep. Wright of Burlington** moved to amend the bill as follows:

First: By adding a Sec. 24a to read as follows:

Sec. 24a. 16 V.S.A. § 4028(d) is added to read:

(d) By July 1 of each year, the Joint Fiscal Office shall determine the total amount of new unfunded mandates imposed on supervisory unions and school districts for the coming fiscal year. The Joint Fiscal Office shall present this total to the Joint Fiscal Committee at its July meeting. The Joint Fiscal Committee shall review and approve the total, and that amount shall then be added to the General Fund transfer in subdivision 4025(a)(2) of this title for that fiscal year and after. As used in this subsection, an “unfunded mandate” means a State statute or State regulation that requires a supervisory union or school district to perform certain actions, but with no money or funding mechanism in place for fulfilling the requirement.

Second: In Sec. 26(a), after “24 (tuition report).” by inserting 24a (mandates).

Pending the question, Shall the bill be amended as recommended by Rep. Wright of Burlington? **Rep. Wright of Burlington** demanded the yeas and nays, which demand was sustained by the Constitutional number.

Pending the call of the roll, **Rep. Sharpe of Bristol** moved to substitute an amendment for that offered by Rep. Wright of Burlington, as follows:

First: By adding a Sec. 24a to read as follows:

Sec. 24a. 16 V.S.A. § 4028(d) is added to read:

(d) Notwithstanding 32 V.S.A. § 502(b)(2), the Joint Fiscal Office shall prepare a fiscal note for any legislation that requires a supervisory union or school district to perform any action with an associated cost, but does not provide money or a funding mechanism for fulfilling that obligation. Any fiscal note prepared under this subsection shall be completed no later than the date that the legislation is considered for a vote in the first committee to which it is referred.

Second: In Sec. 26(a), after “24 (tuition report),” by inserting 24a (fiscal note).

Which was agreed to.

Thereupon, the amendment offered by Rep. Sharpe of Bristol was agreed to.

Pending third reading of the bill **Reps. Sharpe of Bristol and Greshin of Warren** moved to amend the bill as follows:

In Sec. 10 (occupancy of a homestead) after the words “resident individual” by inserting the words on April 1 and occupied, and after the words “183 days out of the” by inserting the word calendar

Which was agreed to.

Pending third reading of the bill, **Rep. McFaun of Barre Town** moved to amend the bill as follows:

First: By striking out Sec. 23 in its entirety and inserting in lieu thereof a new Sec. 23 to read:

Sec. 23. EDUCATION FINANCING REFORM

(a) It is the intent of the General Assembly to replace the education funding system currently in law with a new system of education financing for fiscal year 2017 and budgets voted for the 2017–2018 school year. The new system shall focus on:

(1) creating an equitable, fair, less-complex funding system that ensures equal educational opportunities;

(2) continuing to improve and expand educational opportunities for students; and

(3) raising funds to support the system in a manner that ensures that the homestead property tax rate is substantially lower than it is in current law.

(b) To facilitate this transition, the House of Representatives will create an Education Financing Committee at the beginning of the 2015–2016 biennium, whose responsibility shall be to develop the new education financing system for the State of Vermont.

Second: In Sec. 26 (effective dates), by adding a new subsection (l) to read:

(l) Sec. 23 shall take effect on January 1, 2015.

Which was disagreed to.

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

First: In Sec. 1, in subdivision (a)(1), by striking out “\$1.515” and inserting in lieu thereof \$1.5134, and in subdivision (a)(2), by striking out “\$0.98” and inserting in lieu thereof \$0.9776

Second: In Sec. 22, by striking out “\$6,000,000.00” and inserting in lieu thereof \$10,000,000.00

Pending the question, Shall the bill be amended as proposed 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 proposed by Rep. Browning of Arlington? was decided in the negative. Yeas, 35. Nays, 103.

Those who voted in the affirmative are:

Bouchard of Colchester	Fagan of Rutland City	Pearson of Burlington
Brennan of Colchester	Haas of Rochester	Quimby of Concord
Browning of Arlington *	Hebert of Vernon	Savage of Swanton
Burditt of West Rutland	Helm of Fair Haven	Scheuermann of Stowe
Buxton of Tunbridge	Higley of Lowell	Shaw of Pittsford
Canfield of Fair Haven	Hubert of Milton	Shaw of Derby
Cupoli of Rutland City	Komline of Dorset	Smith of New Haven
Davis of Washington	Lawrence of Lyndon	Strong of Albany
Devereux of Mount Holly	Lewis of Berlin	Terenzini of Rutland Town
Dickinson of St. Albans	Marcotte of Coventry	Turner of Milton
Town	Morrissey of Bennington	Van Wyck of Ferrisburgh
Donaghy of Poultney	Pearce of Richford	Zagar of Barnard

Those who voted in the negative are:

Ancel of Calais	Heath of Westford	Moran of Wardsboro
Bartholomew of Hartland	Hooper of Montpelier	Mrowicki of Putney
Beyor of Highgate	Hoyt of Norwich	Myers of Essex
Bissonnette of Winooski	Huntley of Cavendish	Nuovo of Middlebury
Botzow of Pownal	Jerman of Essex	O'Brien of Richmond
Branagan of Georgia	Jewett of Ripton	O'Sullivan of Burlington
Burke of Brattleboro	Johnson of South Hero	Partridge of Windham
Campion of Bennington	Johnson of Canaan	Peltz of Woodbury
Carr of Brandon	Juskiewicz of Cambridge	Poirier of Barre City
Clarkson of Woodstock	Keenan of St. Albans City	Potter of Clarendon
Cole of Burlington	Kitzmiller of Montpelier	Rachelson of Burlington
Condon of Colchester	Klein of East Montpelier	Ram of Burlington
Connor of Fairfield	Koch of Barre Town	Russell of Rutland City
Conquest of Newbury	Krebs of South Hero	Ryerson of Randolph
Consejo of Sheldon	Krowinski of Burlington	Sharpe of Bristol
Copeland-Hanzas of Bradford	Kupersmith of South Burlington	Stevens of Waterbury
Corcoran of Bennington	Lanpher of Vergennes	Stuart of Brattleboro
Cross of Winooski	Larocque of Barnet	Sweaney of Windsor
Dakin of Chester	Lenes of Shelburne	Till of Jericho
Deen of Westminster	Lippert of Hinesburg	Toleno of Brattleboro
Donahue of Northfield	Macaig of Williston	Townsend of South Burlington
Donovan of Burlington	Malcolm of Pawlet	Trieber of Rockingham
Ellis of Waterbury	Manwaring of Wilmington	Vowinkel of Hartford
Emmons of Springfield	Marek of Newfane	Waite-Simpson of Essex
Fay of St. Johnsbury	Martin of Springfield	Webb of Shelburne
Feltus of Lyndon	Martin of Wolcott	Weed of Enosburgh
Fisher of Lincoln	Masland of Thetford	Wilson of Manchester
Frank of Underhill	McCarthy of St. Albans City	Winters of Williamstown
French of Randolph	McCormack of Burlington	Wizowaty of Burlington
Gage of Rutland City	McCullough of Williston	Woodward of Johnson
Gallivan of Chittenden	McFaun of Barre Town	Wright of Burlington
Goodwin of Weston	Michelsen of Hardwick	Yantachka of Charlotte *
Grad of Moretown	Miller of Shaftsbury	Young of Glover
Greshin of Warren	Mitchell of Fairfax	
Head of South Burlington	Mook of Bennington	

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

Batchelor of Derby	Pugh of South Burlington	Stevens of Shoreham
Christie of Hartford	Ralston of Middlebury	Toll of Danville
Evans of Essex	South of St. Johnsbury	
Kilmartin of Newport City	Spengler of Colchester	

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

I vote yes to lower property tax rates. To vote no puts the hypothetical reorganization of our education system and any uncertain future benefits from it above real immediate relief for Vermonters, however small.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Mr. Speaker:

This amendment, if approved, would save \$2.40 on an annual tax bill for a \$100,000 house or \$9.50 per year on a \$500,000 house. Other than its value as a political statement, it makes no significant impact on property tax rates. For that reason, I voted ‘NO’.”

Pending third reading of the bill, **Reps. Lewis of Berlin and Burditt of West Rutland** moved to amend the bill as follows:

First: By inserting a Sec. 22d to read:

Sec. 22d. VALUE OF EXISTING BUSINESS MANAGER HANDBOOK

The Agency of Education shall assess the value of the existing business manager handbook to determine if it can be upgraded and improved so that it can be used in lieu of hiring a contractor to develop a new handbook to establish a uniform chart of accounts. The Agency of Education shall report its findings to the House and Senate Committees on Education and on Government Operations on or before January 15, 2015. The Agency of Education shall not hire any consultant or expend any funds on the development of a new business manager handbook prior to January 15, 2015.

Second: In Sec. 26, by inserting a subsection (l) to read:

(l) Sec. 22d (value of existing business manager handbook) shall take effect on passage.

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

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

First: By adding a Sec. 7a to read as follows:

Sec. 7a. JOINT FISCAL STUDY ON SMALL SCHOOLS

The Joint Fiscal Office shall evaluate the effect of the elimination of small schools grants pursuant to Secs. 6 and 7 of this act, and submit a report to the General Assembly no later than January 15, 2015. The report shall evaluate the effect the changes in Secs. 6 and 7 of this act will have on school spending by addressing the following questions and issues:

(1) What will be the effect on total education spending in small schools over time?

(2) What will the result be if small schools that lose their funding choose to level fund their budgets?

(3) Is there any correlation between per-equalized-pupil spending, school size, and outcomes for students?

(4) Evaluate whether the probable outcome of the changes in Secs. 6 and 7 of this act will be school consolidation of small schools or level-funded budgets with higher per-pupil spending in small schools or higher tuition payments to receiving schools, and whether those outcomes will result in increases or decreases in total education spending in Vermont.

(5) What will be the impact of Secs. 6 and 7 of this act on student outcomes, whether positive or negative, and what is the mechanism which will achieve this outcome?

(6) Identify any other questions necessary in understanding the impact of eliminating this revenue source to small schools.

(7) Over what time period is it expected that schools who lose their small school grants may close, and what additional investment in education spending will be necessary in order to achieve this outcome?

Second: In Sec. 26(a), after “This section and Secs.” by inserting 7a (Joint Fiscal report),

Pending the question, Shall the bill be amended as proposed by Rep. Manwaring of Wilmington? **Rep. Manwaring of Wilmington** 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 proposed by Rep. Manwaring of Wilmington? was decided in the negative. Yeas, 61. Nays, 72.

Those who voted in the affirmative are:

Bartholomew of Hartland
Beyor of Highgate
Brennan of Colchester
Browning of Arlington
Burditt of West Rutland
Burke of Brattleboro
Buxton of Tunbridge
Campion of Bennington
Canfield of Fair Haven
Carr of Brandon
Corcoran of Bennington

Cross of Winooski
Davis of Washington
Devereux of Mount Holly
Ellis of Waterbury
Fagan of Rutland City
French of Randolph
Goodwin of Weston
Grad of Moretown
Haas of Rochester
Hebert of Vernon
Higley of Lowell

Hubert of Milton
Huntley of Cavendish
Johnson of South Hero
Juskiewicz of Cambridge
Keenan of St. Albans City
Koch of Barre Town
Krebs of South Hero
Larocque of Barnet
Lawrence of Lyndon
Lewis of Berlin
Malcolm of Pawlet

Manwaring of Wilmington	Myers of Essex	Stevens of Waterbury
Marcotte of Coventry	Nuovo of Middlebury	Strong of Albany
Marek of Newfane	O'Brien of Richmond	Trieber of Rockingham
Martin of Springfield	Pearce of Richford	Turner of Milton
Martin of Wolcott	Pearson of Burlington	Vowinkel of Hartford
McFaun of Barre Town	Poirier of Barre City	Weed of Enosburgh
Michelsen of Hardwick	Quimby of Concord	Woodward of Johnson
Mitchell of Fairfax	Shaw of Pittsford	Zagar of Barnard
Moran of Wardsboro	Shaw of Derby	
Morrissey of Bennington	Smith of New Haven	

Those who voted in the negative are:

Ancel of Calais	Gage of Rutland City	Peltz of Woodbury
Bissonnette of Winooski	Gallivan of Chittenden	Potter of Clarendon
Botzow of Pownal	Greshin of Warren	Rachelson of Burlington
Bouchard of Colchester	Head of South Burlington	Ram of Burlington
Branagan of Georgia	Heath of Westford	Russell of Rutland City
Clarkson of Woodstock	Helm of Fair Haven	Ryerson of Randolph
Cole of Burlington	Hooper of Montpelier	Savage of Swanton
Condon of Colchester	Hoyt of Norwich	Scheuermann of Stowe
Connor of Fairfield	Jerman of Essex	Sharpe of Bristol
Conquest of Newbury	Johnson of Canaan	Stuart of Brattleboro
Consejo of Sheldon	Kitzmiller of Montpelier	Sweaney of Windsor
Copeland-Hanzas of Bradford	Klein of East Montpelier	Terenzini of Rutland Town
Cupoli of Rutland City	Komline of Dorset	Till of Jericho
Dakin of Chester	Krowinski of Burlington	Townsend of South Burlington
Deen of Westminster	Kupersmith of South Burlington	Van Wyck of Ferrisburgh
Dickinson of St. Albans Town	Lanpher of Vergennes	Waite-Simpson of Essex
Donaghy of Poultney	Lenes of Shelburne	Webb of Shelburne
Donahue of Northfield	Lippert of Hinesburg	Wilson of Manchester
Donovan of Burlington	Macaig of Williston	Winters of Williamstown
Emmons of Springfield	Masland of Thetford	Wizowaty of Burlington
Fay of St. Johnsbury	McCarthy of St. Albans City	Wright of Burlington
Feltus of Lyndon	McCormack of Burlington	Yantachka of Charlotte
Fisher of Lincoln	McCullough of Williston	Young of Glover
Frank of Underhill	Mook of Bennington	
	Mrowicki of Putney	

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

Batchelor of Derby	O'Sullivan of Burlington	South of St. Johnsbury
Christie of Hartford	Partridge of Windham	Spengler of Colchester
Evans of Essex	Pugh of South Burlington	Stevens of Shoreham
Kilmartin of Newport City	Ralston of Middlebury	Toleno of Brattleboro
Miller of Shaftsbury	Smith of Morristown	Toll of Danville

Thereupon, the bill was read the third time.

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, 89. Nays, 51.

Those who voted in the affirmative are:

Ancel of Calais	Head of South Burlington	Mook of Bennington
Bartholomew of Hartland	Heath of Westford	Mrowicki of Putney *
Bissonnette of Winooski	Hebert of Vernon	Nuovo of Middlebury
Botzow of Pownal	Helm of Fair Haven	O'Brien of Richmond
Branagan of Georgia	Hooper of Montpelier	O'Sullivan of Burlington
Campion of Bennington	Hoyt of Norwich	Partridge of Windham
Carr of Brandon	Jerman of Essex	Peltz of Woodbury
Christie of Hartford	Jewett of Ripton	Poirier of Barre City *
Clarkson of Woodstock	Johnson of South Hero	Potter of Clarendon
Cole of Burlington	Johnson of Canaan	Rachelson of Burlington
Condon of Colchester	Juskiewicz of Cambridge	Ram of Burlington
Connor of Fairfield	Keenan of St. Albans City	Russell of Rutland City
Conquest of Newbury	Kitzmiller of Montpelier	Ryerson of Randolph
Consejo of Sheldon	Klein of East Montpelier	Sharpe of Bristol
Copeland-Hanzas of Bradford	Krowinski of Burlington	Stevens of Waterbury
Corcoran of Bennington	Kupersmith of South Burlington	Stuart of Brattleboro
Cross of Winooski	Lanpher of Vergennes	Sweaney of Windsor
Dakin of Chester *	Lenes of Shelburne	Till of Jericho
Deen of Westminster	Lippert of Hinesburg	Toleno of Brattleboro
Donovan of Burlington	Macaig of Williston	Townsend of South Burlington
Ellis of Waterbury	Malcolm of Pawlet	Trieber of Rockingham
Emmons of Springfield	Manwaring of Wilmington *	Vowinkel of Hartford
Fagan of Rutland City	Marek of Newfane *	Waite-Simpson of Essex
Fay of St. Johnsbury	Martin of Springfield	Webb of Shelburne
Feltus of Lyndon	Martin of Wolcott	Wilson of Manchester
Fisher of Lincoln	Masland of Thetford	Wizowaty of Burlington
Frank of Underhill	McCarthy of St. Albans City	Woodward of Johnson
French of Randolph	McCullough of Williston	Wright of Burlington
Grad of Moretown	Michelsen of Hardwick	Yantachka of Charlotte
Greshin of Warren	Miller of Shaftsbury	

Those who voted in the negative are:

Beyor of Highgate	Davis of Washington	Haas of Rochester
Bouchard of Colchester	Devereux of Mount Holly	Higley of Lowell
Brennan of Colchester	Dickinson of St. Albans Town	Hubert of Milton
Browning of Arlington	Donaghy of Poultney	Huntley of Cavendish
Burditt of West Rutland	Donahue of Northfield *	Koch of Barre Town
Burke of Brattleboro	Gage of Rutland City	Komline of Dorset
Buxton of Tunbridge	Gallivan of Chittenden	Krebs of South Hero
Canfield of Fair Haven	Goodwin of Weston	Larocque of Barnet
Cupoli of Rutland City		Lawrence of Lyndon

Lewis of Berlin	Pearson of Burlington	Terenzini of Rutland Town
Marcotte of Coventry	Quimby of Concord	Turner of Milton *
McCormack of Burlington	Savage of Swanton	Van Wyck of Ferrisburgh
McFaun of Barre Town	Scheuermann of Stowe	Weed of Enosburgh
Mitchell of Fairfax	Shaw of Pittsford	Winters of Williamstown
Moran of Wardsboro	Shaw of Derby	Young of Glover
Morrissey of Bennington	Smith of New Haven	Zagar of Barnard
Myers of Essex	Stevens of Shoreham	
Pearce of Richford	Strong of Albany	

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

Batchelor of Derby	Pugh of South Burlington	Spengler of Colchester
Evans of Essex	Ralston of Middlebury	Toll of Danville
Kilmartin of Newport City	South of St. Johnsbury	

Rep. Dakin of Chester explained her vote as follows:

“Mr. Speaker:

Thank you, Mr. Speaker. I voted today for this bill even though for my district the results are not necessarily the most advantageous. I voted to support this bill because I trust the process we follow and in this bill I can see the steps forward to address the issues of fairer funding of education.

The committee has worked hard to address and present a path for change. Thank you to the members for the hard work you have done to date.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

We had the opportunity yesterday to endorse a stronger version of mere intent language to address our education financing system in the future, and we failed to do so. We have strung along such an intent for too many years. This is a decent bill as a whole, but I vote no for the lack of that amendment.”

Rep. Manwaring of Wilmington explained her vote as follows:

“Mr Speaker,

I voted yes reluctantly because the elimination of small school grants will harm children in my district. But even more importantly I believe that eliminating small schools grants is one of those blunt instruments borne of economy of scale thinking that seeks efficiency, not effectiveness. How do we know if education opportunities for students displaced will be enhanced or curbed? What will be the remaining property tax burden for taxpayers in that

town as they will still be spending on tuitions for their children to attend neighboring schools.

I applaud the language in this bill that seeks to understand a new paradigm to raise the revenues for Vermont's education system by looking at increasing reliance on Vermonter's ability to pay through a greater reliance on income taxes rather than property taxes. I am, however, disappointed that once again there is no recognition in this legislation that there is an equally important need to re-evaluate the spending side of the formula.

Most importantly under the current spending framework in the formula, we need to ask whether the spending side of the formula that distributes the money that arrives in the Education fund achieve the outcomes for all students that we need to prepare our children for the 21st century?

We need to ask how can we adapt the formula so that every student can achieve his or her personal best outcome? Does the principle of equal spending buy all students that opportunity?

We need to ask why do we continue to use penalties to influence spending decisions at the local level? Why not rewards as well.

We need to ask what levers other than economies of scale with it's blunt instruments of influence are available to achieve the outcomes for all students at a cost we are willing to pay.

Finding the balance between spending and outcomes is the dance we do every year in this legislature for all spending. It is no different in what I believe is perhaps the most important use of public money – educating our children. If through this or other legislative efforts we move toward evidence based outcomes for students then the spending side of this formula needs to adapt.

Mr. Speaker, we can take on this responsibility and do it in a way that respects Brigham. We need to get started.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

At the start of this session many Vermonters feared the impact of a projected 7 cent increase in residential tax rates. This bill has managed to reduce that burden by 43% and that fact alone is ample reason to have voted for it beyond everything else it accomplishes.”

Rep. Mrowicki of Putney explained his vote as follows:

“Mr. Speaker:

My vote affirms the good work of your Ways and Means Committee in providing the necessary funds to invest in our children's education and invest in the future of Vermont.

When I look up and see the school children in the balcony here, and when I visit the schools in my district, I am reminded of the importance of those investments in our children and how easy it is for me to focus on those children and tell them they are worth it."

Rep. Poirier of Barre explained his vote as follows:

"Mr. Speaker:

I voted yes because this is an improvement to what was calculated earlier this winter. The taxpayers of Barry City will appreciate the further reduction of the original rate."

Rep. Turner of Milton explained his vote as follows:

"Mr. Speaker:

This bill once again nibbles around the edges but does not address the real problem of unsustainable increases in education costs. It shifts the sting of who is going to be hit the hardest by large tax increases to yet another group of Vermont taxpayers. It increases the rates by 4 and 7 1/2 cents this year on top or in addition to the 5 and 6 cents last year for a total of 9 cents for residential and 13 1/2 cents for non-residential property taxes. This as we face projections of an additional 5 cents increase per year for each of the next two years in FY16 and FY17. This bill does not provide the long term meaningful taxpayer relief that is so desperately needed by our constituents."

Message from the Senate No. 42

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

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

H. 576. An act relating to applications for the Lifeline program.

And has passed the same in concurrence.

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

H. 799. An act relating to the importation of firewood.

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

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

H.C.R. 286. House concurrent resolution in memory of former Senator and Chittenden County Assistant Judge Thomas M. Crowley of South Burlington.

H.C.R. 287. House concurrent resolution congratulating the 2014 Essex High School Hornets Metro Division girls' hockey championship team.

H.C.R. 288. House concurrent resolution congratulating the 2014 Essex High School Division I championship cheerleading team.

H.C.R. 289. House concurrent resolution honoring Patricia Palencsar for her leadership at Green Mountain RSVP & Volunteer Center.

H.C.R. 290. House concurrent resolution designating April 2014 as Autism Awareness Month.

H.C.R. 291. House concurrent resolution congratulating the 2014 Poultney High School Division II championship cheerleading team.

H.C.R. 292. House concurrent resolution honoring Richard Andrews as a conservationist and hiking recreational leader.

Adjournment

At one o'clock and forty-two minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, April 8, 2014, at ten o'clock in the forenoon, pursuant to the provisions of JRS 53.

Concurrent Resolutions Adopted

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

H.C.R. 286

House concurrent resolution in memory of former Senator and Chittenden County Assistant Judge Thomas M. Crowley of South Burlington;

H.C.R. 287

House concurrent resolution congratulating the 2014 Essex High School Hornets Metro Division girls' hockey championship team;

H.C.R. 288

House concurrent resolution congratulating the 2014 Essex High School Division I championship cheerleading team;

H.C.R. 289

House concurrent resolution honoring Patricia Palencsar for her leadership at Green Mountain RSVP & Volunteer Center;

H.C.R. 290

House concurrent resolution designating April 2014 as Autism Awareness Month;

H.C.R. 291

House concurrent resolution congratulating the 2014 Poultney High School Division II championship cheerleading team;

H.C.R. 292

House concurrent resolution honoring Richard Andrews as a conservationist and hiking recreational leader;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2014, seventy-second Adjourned session.]