Thursday, March 26, 2015

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

House Bills Introduced

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

H. 491

By Rep. Quimby of Concord,
House bill, entitled
An act relating to video slot machines in service members’ clubs;
To the committee on General, Housing & Military Affairs.

H. 492

House bill, entitled
An act relating to capital construction and State bonding
Under the rule, placed on the Calendar for notice.

S. 58

Senate bill, entitled
An act relating to requiring that the Defender General receive the same early retirement benefit as a State’s Attorney;
Was taken up, read the first time and referred to the committee on Government Operations.

Joint Resolution Adopted in Concurrence

J.R.S. 21

By Senators Baruth and Benning,
Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 27, 2015, it be to meet again no later than Tuesday, March 31, 2015.

Was taken up read and adopted in concurrence.

Bill Referred to Committee on Appropriations

H. 492

House bill, entitled
An act relating to capital construction and State bonding

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Favorable Report; Third Reading Ordered

S. 2

Rep. Devereux of Mount Holly, for the committee on Government Operations, to which had been referred Senate bill, entitled
An act relating to the establishment of a State Latin Motto

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.

Third Reading; Bill Passed

H. 135

House bill, entitled
An act relating to authorizing the Vermont Department of Health to charge fees necessary to support Vermont’s status as a Nuclear Regulatory Commission Agreement State

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 488

House bill, entitled
An act relating to the State’s Transportation Program and miscellaneous changes to laws related to transportation

Was taken up, read the third time.
Pending the question, Shall the bill pass? **Rep. Copeland-Hanzas of Bradford** 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, 138. Nays, 3.

Those who voted in the affirmative are:

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<td>McCormack of Burlington</td>
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Those who voted in the negative are:

Davis of Washington  Gonzalez of Winooski  Pearson of Burlington

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

Donovan of Burlington  Keenan of St. Albans City  Ram of Burlington
Evans of Essex  Macaig of Williston  Shaw of Derby
Grad of Moretown  McCoy of Poultney

**Rep. Pearson of Burlington** explained his vote as follows:

“Mr. Speaker:

Transportation projects are the most direct way we can stimulate the economy. Given the tough economic times it is not a good idea to be cutting back.”

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

“Mr. Speaker:

I want to commend Chairman Brennan and the transportation committee for their work on this bill. This committee has shown that there is an alternative to increasing taxes when faced with less money than they would have preferred. Reprioritizing the Shumlin Administration transportation agency’s proposal, utilizing efficiencies and reducing spending is a valid approach to achieving goals without placing additional taxes on Vermonter’s.”

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

**H. 489**


House bill entitled

An act relating to revenue

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

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

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

Consideration Resumed; Consideration Interrupted by Recess

H. 489

Consideration resumed on House bill entitled

An act relating to revenue;

Pending the question, Shall the bill be read the third time? Reps. Davis of Washington, O’Sullivan of Burlington, Poirier of Barre City, and Sullivan of Burlington moved to amend the bill as follows:

First: By adding a reader assistance and new sections to be Sec. 11a and Sec. 11b to read:

* * * Occupancy Charge * * *

Sec. 11a. 32 V.S.A. § 9241 is amended to read:

§ 9241. IMPOSITION OF TAX

(a) An operator shall collect a tax of nine percent of the rent of each occupancy plus $2.00 for each night of the occupancy.

* * *

Sec. 11b. 32 V.S.A. § 9242(c) is amended to read:

(c) A tax of nine percent of the gross receipts from meals and occupancies, plus the amount of any additional occupancy charges under subsection 9241(a) of this title, and 10 percent of the gross receipts from alcoholic beverages, exclusive of taxes and charges collected pursuant to section 9241 of this title, received from occupancy rentals, taxable meals, and alcoholic beverages by an operator, is hereby levied and imposed and shall be paid to the State by the operator as herein provided. Every person required to file a return under this chapter shall, at the time of filing the return, pay the Commissioner the taxes imposed by this chapter as well as all other monies collected by him or her under this chapter; provided, however, that every person who collects the taxes on taxable meals and alcoholic beverages according to the tax bracket schedules of section 9241 of this title shall be allowed to retain any amount lawfully collected by the person in excess of the tax imposed by this chapter as
compensation for the keeping of prescribed records and the proper account and remitting of taxes.

Second: In Sec. 12 (effective dates), by adding a subsection (g) to read:

(g) Sec. 11a (occupancy tax) and Sec. 11b (gross receipt tax) shall take effect on June 1, 2015.

Pending the question, Shall the bill be amended as recommended by Rep. Davis of Washington and others? **Rep. Olsen of Londonderry** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Rep. Davis of Washington and others? was decided in the negative. Yeas, 16. Nays, 124.

Those who voted in the affirmative are:

Burke of Brattleboro  McCullough of Williston  Till of Jericho
Chesnut-Tangerman of  O'Sullivan of Burlington  Toleno of Brattleboro
Middletown Springs  Pearson of Burlington  Walz of Barre City
Davis of Washington  Poirier of Barre City  Woodward of Johnson
Fields of Bennington  Rachelson of Burlington  Yantachka of Charlotte
Gonzalez of Winooski  Sullivan of Burlington

Those who voted in the negative are:

Ancel of Calais  Copeland-Hanzas of  Graham of Williamstown
Bancroft of Westford  Bradford  Greshin of Warren
Bartholomew of Hartland  Corcoran of Bennington  Haas of Rochester
Baser of Bristol  Cupoli of Rutland City  Head of South Burlington
Batchelor of Derby  Dakin of Chester  Helm of Fair Haven
Beck of St. Johnsbury  Dakin of Colchester  Higley of Lowell
Berry of Manchester  Dame of Essex  Hooper of Montpelier
Beyor of Highgate  Deen of Westminster  Hubert of Milton
Bissonnette of Winooski  Devereux of Mount Holly  Huntley of Cavendish
Botzow of Pownal  Dickinson of St. Albans  Jerman of Essex
Branagan of Georgia  Town  Jewett of Ripton
Brennan of Colchester  Donahue of Northfield  Johnson of South Hero
Briglin of Thetford  Eastman of Orwell  Juskiewicz of Cambridge
Browning of Arlington  Ellis of Waterbury  Kitzmiller of Montpelier
Burditt of West Rutland  Emmons of Springfield  Klein of East Montpelier
Buxton of Tunbridge  Fagan of Rutland City  Komline of Dorset
Canfield of Fair Haven  Feltus of Lyndon  Krebs of South Hero
Carr of Brandon  Fiske of Enosburgh  Krowinski of Burlington
Christie of Hartford  Forguites of Springfield  LaClair of Barre Town
Clarkson of Woodstock  Frank of Underhill  Lalonde of South Burlington
Cole of Burlington  French of Randolph  Lanpher of Vergennes
Condon of Colchester  Gage of Rutland City  Lawrence of Lyndon
Connor of Fairfield  Gamache of Swanton  Lefebvre of Newark
Conquest of Newbury  Grad of Moretown  Lenes of Shelburne
Pending the question, Shall the bill be read the third time? Reps. O’Sullivan of Burlington and Poirier of Barre City moved to amend the bill as follows:

First: By inserting two new sections to be Secs. 1a and 1b to read:

Sec. 1a. REPEAL

2009 Spec. Sess. Acts and Resolves No. 2, Sec. 20 (personal income tax rates) is repealed.

Sec. 1b. INDIVIDUAL TAX RATES

Beginning in tax year 2015 and after, the rates assigned to the individual income tax brackets under 32 V.S.A. § 5822(a), from lowest to highest, shall be 3.55 percent, 6.8 percent, 7.8 percent, 9.5 percent, and 9.55 percent. In its statutory revision capacity under 2 V.S.A. § 424, the Office of Legislative Council is authorized to alter the statutory charts in 32 V.S.A. § 5822(a)(1)–(5) to reflect these changes.

Second: In Sec. 12 (effective dates), in subsection (b), after “(itemized deductions)”, by inserting “, Sec. 1a (income tax rate repeal), and Sec. 1b (income tax rates)”
Pending the question, Shall the bill be amended as recommended by Rep. O'Sullivan of Burlington and others? **Rep. Poirier of Barre City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Rep. O'Sullivan of Burlington and others? was decided in the negative. Yeas, 43. Nays, 98.

Those who voted in the affirmative are:

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<td>Marcotte of Coventry</td>
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Those members absent with leave of the House and not voting are:

Donovan of Burlington
Evans of Essex
Hebert of Vernon
McCoy of Poultney
O’Brien of Richmond
Ram of Burlington
Shaw of Derby
Smith of New Haven

Rep. Krowinski of Burlington explained her vote as follows:

“Mr. Speaker:

While I support a more progressive method of taxing income in Vermont, I think we need to give this proposal time and testimony to get it right. I hope we can work together to find long term solutions to support our state employees and our most vulnerable Vermonters.”

Rep. Patt of Worcester explained his vote as follows:

“Mr. Speaker:

I fully support H.489 as proposed by the Ways and Means Committee. I voted in favor of this amendment because I also believe that we should be raising a modest amount of additional revenue to avoid at least some of the most damaging budget cuts we are considering.”

Recess

At one o’clock and thirteen minutes in the afternoon, the Speaker declared a recess until one o’clock and forty-five minutes in the afternoon.

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

Consideration Resumed; Third Reading Ordered

H. 489

Consideration resumed on House bill entitled
An act relating to revenue;

Pending the question, Shall the bill be read a third time? Rep. Poirier of Barre City demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 76. Nays, 67.

Those who voted in the affirmative are:

Ancel of Calais  Bissonnette of Winooski  Grad of Moretown  Nuovo of Middlebury
Botzow of Pownal  Branagan of Georgia  Jerman of Essex  Olsen of Londonderry
Briglin of Thetford  Buxton of Tunbridge  Jewett of Ripton  Partridge of Windham
Car of Brandon  Christie of Hartford  Keenan of St. Albans City  Patt of Worcester
Clarkson of Woodstock  Condon of Colchester  Klei of East Montpelier  Ryerson of Randolph
Connor of Fairfield  Conquest of Newbury  Krebs of South Hero  Sharpe of Bristol
Copeland-Hanzas of Grad of Moretown  Lalone of South Burlington  Sibilia of Dover
Bravo of South Hero  Keenan of St. Albans City  Rachelson of Burlington
Clark of Woodstock  Kitzmiller of Montpelier  Russell of Rutland City
Condon of Colchester  Klein of East Montpelier  Ryerson of Randolph
Conn of Fairfield  Kowinski of Burlington  Sheldon of Middlebury
Copeland-Hanzas of Grad of Moretown  Lalone of South Burlington  Sibilia of Dover
Bradford  Christie of Hartford  Keenan of St. Albans City  Rachelson of Burlington
Corcoran of Bennington  Dakin of Chester  Keen of South Hero  Roger of Wells
Dakin of Colchester  Dakin of Colchester  Lipt of Hinesburg  Roger of Wells
Deen of Westminster  Dakin of Colchester  Lipt of Hinesburg  Roger of Wells
Ellis of Waterbury  Maca of Williston  Sibilia of Dover
Emmons of Springfield  Manwaring of Wilmington  Townnd of South
Fagan of Rutland City  Masland of Thetford  Trieber of Rockingham
Felus of Lyndon  McCormack of Burlington  Troiano of Stannard
Fields of Bennington  Miller of Shaftsbury  Webb of Shelburne
Forguette of Springfield  Morris of Bennington  Yanachka of Charlotte
Frank of Underhill  Mowicki of Putney  Young of Glover
French of Randolph  Murphy of Fairfax  Zagar of Barnard

Those who voted in the negative are:

Bancroft of Westford  Canfield of Fair Haven  Eastman of Orwell
Bartholomew of Hartland  Chesnutt-Tangerman of Middle Town  Fiske of Ensorshurb
Baser of Bristol  Middletown Springs  Gage of Rutland City
Batchelor of Derby  Cole of Burlington  Gamache of Swanton
Beck of St. Johnsbury  Cupoli of Rutland City  Gonzales of Winooski
Berry of Manchester  Dame of Essex  Graham of Williamstown
Beyor of Highgate  Davis of Washington  Gresh of Warren
Bennett of Colchester  Deveraux of Mount Holly  Haas of Rochester
Browning of Arlington  Dickinson of St. Albans  Helm of Fair Haven
Burritt of West Rutland  Town  Higley of Lowell
Burke of Brattleboro  Donahue of Northfield  Hubert of Milton
Juskiewicz of Cambridge  Myers of Essex  Strong of Albany
Komline of Dorset  O'Sullivan of Burlington  Sullivan of Burlington
LaClair of Barre Town  Parent of St. Albans City  Tate of Mendon
Lawrence of Lyndon  Pearce of Richford  Terenzini of Rutland Town
Lefebvre of Newark  Pearson of Burlington  Toleno of Brattleboro
Lewis of Berlin  Poirier of Barre City  Turner of Milton *
Marcotte of Coventry  Purvis of Colchester  Van Wyck of Ferrisburgh
Martel of Waterford  Quimby of Concord  Viens of Newport City
Martin of Wolcott  Savage of Swanton  Walz of Barre City
McCullough of Williston  Scheuermann of Stowe  Willhoit of St. Johnsbury
McFaun of Barre Town  Shaw of Pittsford  Woodward of Johnson
Morrissey of Bennington  Smith of New Haven  Wright of Burlington

Those members absent with leave of the House and not voting are:
Donovan of Burlington  Hebert of Vernon  Ram of Burlington
Evans of Essex  McCoy of Poultney  Shaw of Derby

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

We have a spending problem! Raising taxes is not the solution to Vermont’s financial problems. When you spend more than your income stream generates year after year, it is impossible to repair this problem. Our caucus’ top priority this session is to put Vermont back on a sound and sustainable financial path. We have a spending problem and not a revenue problem. - No new taxes. - ”

Rep. Yantachka of Charlotte explained his vote as follows:

“Mr. Speaker:

I strongly supported both amendments this morning because I believe that from those to whom much is given, much is expected. It would be better to assess a relatively small burden on those that can afford it instead of a large burden on those who can’t. However, a majority of this body disagreed, and we have to move forward with what is in front of us. For this reason, I voted to support this bill which reflects good, conscientious work by the Ways and Means Committee.”

Bill Amended, Read Third Time and Passed

H. 108

House bill, entitled
An act relating to electrical installations
Was taken up and pending third reading of the bill, Rep. Donahue of Northfield moved to amend the bill as follows:

In Sec. 1, in 26 V.S.A. § 893, as follows:

First: In subsection (c) in the second sentence, after the word “installation” by inserting “in a complex structure”

Second: In subsection (d), after the word “installation” by inserting “in a complex structure”

Third: By striking out subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) to read:

(g) The Board may use its authority to adopt rules under section 891 of this title to apply the requirements of this section to electrical installations in one- and two-family residential dwellings other than for work that does not require a license under subdivision 910(3) of this title.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Message from the Senate No. 35

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 60. An act relating to payment for medical examinations for victims of sexual assault.

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

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 5. Joint resolution urging the Federal Communications Commission to adopt the new net neutrality rules as Commission Chair Thomas Wheeler has proposed.

And has adopted the same in concurrence.

Bill Read Second Time; Third Reading Ordered

H. 490

Rep. Johnson of South Hero spoke for the committee on Appropriations.
House bill entitled
An act relating to making appropriations for the support of government

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

Pending the question, Shall the bill be read a third time? Rep. Copeland-Hanzas of Bradford demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 96. Nays, 46.

Those who voted in the affirmative are:

Ancel of Calais  French of Randolph  Nuovo of Middlebury
Bartholomew of Hartland  Grad of Moretown  O'Brien of Richmond
Berry of Manchester  Haas of Rochester  Olsen of Londonderry
Bissonnette of Winooski  Head of South Burlington  O'Sullivan of Burlington
Botzow of Pownal  Helm of Fair Haven  Partridge of Windham
Branagan of Georgia  Hooper of Montpelier  Patt of Worcester
Brennan of Colchester  Huntley of Cavendish  Pearse of Richford
Briglin of Thetford  Jerman of Essex  Potter of Clarendon
Burke of Brattleboro  Jewett of Ripton  Pugh of South Burlington
Buxton of Tunbridge  Johnson of South Hero  Rachelson of Burlington
Carr of Brandon  Keenan of St. Albans City  Russell of Rutland City *
Chesnut-Tangerman of Middletown Springs  Kitzmiller of Montpelier  Ryerson of Randolph
Christie of Hartford  Klein of East Montpelier  Sharpe of Bristol
Clark of Woodstock  Krowinski of Burlington  Sheldon of Middlebury
Cole of Burlington  Lalonde of South Burlington  Sibilia of Dover
Condon of Colchester  Lanpher of Vergennes  Stevens of Waterbury
Connor of Fairfield  Lenes of Shelburne  Stuart of Brattleboro
Conquest of Newbury  Lippert of Hinesburg  Sullivan of Burlington
Copeland-Hanzas of Bradford  Long of Newfane  Sweaney of Windsor
Corcoran of Bennington  Lucke of Hartford  Till of Jericho
Dakin of Chester  Macaig of Williston  Toleno of Brattleboro
Dakin of Colchester  Manwaring of Wilmington  Toll of Danville
Deen of Westminster  Marcotte of Coventry  Townsend of South
Eastman of Orwell  Martin of Wolcott  Burlington
Ellis of Waterbury  Masland of Thetford  Trieb of Rockingham
Emmons of Springfield  McCormack of Burlington  Troiano of Stannard
Fagan of Rutland City  McCullough of Williston  Walz of Barre City
Feltus of Lyndon  Miller of Shaftsbury  Webb of Shelburne
Fields of Bennington  Morris of Bennington  Wright of Burlington
Forguistes of Springfield  Morrissey of Bennington  Yantachka of Charlotte
Frank of Underhill  Mrowicki of Putney  Young of Glover
Murphy of Fairfax  Zagar of Barnard
Those who voted in the negative are:

Bancroft of Westford  Gamache of Swanton  Pearson of Burlington
Baser of Bristol     Graham of Williamstown  Poirier of Barre City
Batchelor of Derby   Greshin of Warren    Purvis of Colchester
Beck of St. Johnsbury Hebert of Vernon    Quimby of Concord
Beyor of Highgate    Higley of Lowell    Savage of Swanton
Browning of Arlington Hubert of Milton    Scheuermann of Stowe
Burditt of West Rutland Juskiewicz of Cambridge Smith of New Haven
Canfield of Fair Haven Komline of Dorset    Strong of Albany
Cupoli of Rutland City LaClair of Barre Town  Tate of Mendon
Dame of Essex        Lawrence of Lyndon    Terenzini of Rutland Town
Devereux of Mount Holly Lefebvre of Newark  Turner of Milton *
Dickinson of St. Albans Lewis of Berlin    Van Wyck of Ferrisburgh
Town                 Martel of Waterford  Viens of Newport City
Donahue of Northfield McFaun of Barre Town  Willhoit of St. Johnsbury
Fiske of Enosburgh   Myers of Essex      Woodward of Johnson
Gage of Rutland City  Parent of St. Albans City

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

Davis of Washington  Gonzalez of Winooski  Shaw of Derby
Donovan of Burlington McCoy of Poultney
Evans of Essex       Ram of Burlington

**Rep. Russell of Rutland City** explained his vote as follows:

“Mr. Speaker:

I vote Yes. This legislature is faced with numerous fiscal challenges and I believe thanks are in order for the professional work accomplished by House Appropriations. Collectively they listened to all sectors, seeking best ideas from everyone in this tedious process. Our emergency services statewide were clearly heard as this budget bill reflects the concerns of not only first responders, fire, police and dispatch but citizens who needed assurance across Vermont that safety would be prioritized as #1. On behalf of Rutland County and city fire services and citizens, Thank You!”

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

“Mr. Speaker:

Voters said loud and clear last election that it costs too much to live here in Vermont and that they want the state to start living within its means. Therefore, I cannot support passage of an appropriations bill that continues to spend over and above the state’s natural growth in revenue. Revenue is projected to grow at 2.4% and spending in this budget proposal is growing in the general fund at 4.8%. This is not sustainable and continues to set VT up
for projected budget gaps of $40 – 50 million dollars in FY17/FY18. This bill spends an additional $68 million in general fund dollars, a total of $72 million in all funds in FY16 over what will be spent FY15. Furthermore, the bill requires $33 million in new taxes of which $13 million of those will be levied on the backs of hard working Vermonters making less than $150,000 per year. Vermont has a spending problem that cannot be solved by raising additional taxes. The only solution to putting Vermont back on a sound and sustainable path is a reduction in spending, not raising taxes! Thank you!”

**Action on Bill Postponed**

**S. 98**

Senate bill, entitled

An act relating to captive insurance companies

Was taken up and pending the reading of the report of the committee on Commerce & Economic Development, on motion of Rep. Kitzmiller of Montpelier, action on the bill was postponed until the next legislative day.

**Rules Suspended; Bill Recommitted**

**H. 35**

Pending entrance of the bill on the Calendar for notice, on motion of Rep. Deen of Westminster, the rules were suspended and House bill, entitled

An act relating to improving the quality of State waters

Was taken up for immediate consideration.

Thereupon, Rep. Deen of Westminster moved to recommit the bill to Fish, Wildlife & Water Resources, which was agreed to.

**Adjournment**

At six o'clock and eleven 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.