

Keogh of Burlington
 Kitzmiller of Montpelier
 Klein of East Montpelier
 Kupersmith of S. Burlington
 Larson of Burlington
 Leriche of Hardwick
 Lippert of Hinesburg
 Lorber of Burlington
 Maier of Middlebury
 Malcolm of Pawlet
 Marek of Newfane
 Martin of Wolcott
 Masland of Thetford
 McCullough of Williston
 McLaughlin of Royalton

Milkey of Brattleboro
 Miller of Shaftsbury
 Minter of Waterbury
 Molloy of Arlington
 Nease of Johnson
 Nitka of Ludlow
 Nuovo of Middlebury
 Obuchowski of Rockingham
 Orr of Charlotte
 Partridge of Windham
 Pellett of Chester
 Peterson of Williston
 Pillsbury of Brattleboro
 Potter of Clarendon
 Pugh of S. Burlington

Randall of Troy
 Reese of Pomfret
 Rodgers of Glover
 Rusten of Halifax
 Seibert of Norwich
 Severance of Colchester
 Shand of Weathersfield
 Sharpe of Bristol
 Smith of Morristown
 Sweaney of Windsor
 Tracy of Burlington
 Trombley of Grand Isle
 Zuckerman of Burlington

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

Bostic of St. Johnsbury
 Edwards of Brattleboro
 Endres of Milton
 French of Randolph
 Helm of Castleton
 Hunt of Essex

Hutchinson of Randolph
 Kiss of Burlington
 Marron of Stowe
 Martin of Springfield
 McAllister of Highgate
 Monti of Barre City

Mook of Bennington
 Peaslee of Guildhall
 Perry of Richford
 Sunderland of Rutland Town

Third Reading; Bill Passed

H. 690

House bill, entitled

An act relating to the identification, documentation and advancement of the creative economy of the state's economy;

Was taken up, read the third time and passed.

Communication from Representative Bob Kiss

"March 20, 2006

Rep. Gaye Symington
 Speaker of the House
 155 State Street
 Drawer 33
 Montpelier, VT 05633

Dear Gaye,

As you know, I was elected mayor of Burlington on March 7th. The City of Burlington needs someone who can devote undivided attention to the challenges that face the city.

Please accept this letter of resignation from the Vermont House of Representatives effective April 1, 2006. It has been a pleasure and honor for me to represent the people of Chittenden District 3-4 and to serve with you and others in the Vermont House of Representatives for the past six years.

This resignation is made easier knowing that with changing responsibilities I will still continue to work together with you and the Legislature in shaping the future of Burlington and Vermont in the time ahead. I'm looking forward to that opportunity.

With best regards,

/s/Rep. Bob Kiss

P/Chittenden District 3-4"

Adjournment

At twelve o'clock and ten minutes in the afternoon, on motion of **Rep. Partridge of Windham**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

WEDNESDAY, MARCH 22, 2006

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

Devotional Exercises

Devotional exercises were conducted by Rabbi Shana Margolin of Beth Jacob Synagogue, Montpelier, VT.

Message from the Senate No. 39

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

Madam Speaker:

I am directed to inform the House that the Senate has on its part passed Senate bills of the following titles:

S. 175. An act relating to enabling communities and the state to adequately consider the impacts and costs of large scale retail development.

S. 226. An act relating to dairy hauling fees and stop charges.

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

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

J.R.H. 62. Joint resolution in support of the 25 by 25 agricultural energy initiative.

And has adopted the same in concurrence.

House Bill Introduced

H. 882

Rep. Barnard of Richmond introduced a bill, entitled

An act relating to approval of amendments to the charter of the town of Richmond;

Which was read the first time and referred to the committee on Government Operations.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 175

Senate bill, entitled

An act relating to enabling communities and the state to adequately consider the impacts and costs of large scale retail development;

To the committee on Natural Resources and Energy.

S. 226

Senate bill, entitled

An act relating to dairy hauling fees and stop charges;

To the committee on Agriculture.

Petition Referred to Committee

A Petition re: Taxation in Vermont, was read and referred to the committee on Ways and Means.

Senate Proposal of Amendment Concurred in

H. 544

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

An act relating to the process for locating and altering municipal lines;

First: In Sec. 1, 24 V.S.A. § 1461(a), by striking out the third sentence in its entirety and inserting in lieu thereof a new sentence to read as follows: Following the meetings, the legislative bodies shall conduct a, or ratify an existing, survey of the municipal line and file certified copies of the minutes of the meetings, the survey, and a list of property owners, the legal location of whose property is changed by the agreement with the secretary of state, the clerk of each of the municipalities, and the Vermont enhanced 911 board.

Second: In Sec. 1, 24 V.S.A. § 1461(b)(2), after the second sentence, by inserting a new sentence to read as follows: Each legislative body of the adjoining municipalities shall post a notice of the petition to the general assembly that specifies the nature and extent of the proposed legislation in at least two public places and in the town clerk's office at least three weeks prior to filing the petition.

Third: In Sec. 1, 24 V.S.A. § 1461(c), after the second sentence, by inserting a new sentence to read as follows: Each legislative body of the adjoining municipalities shall post a notice of the petition to the general assembly that specifies the nature and extent of the proposed legislation in at least two public places and in the town clerk's office at least three weeks prior to filing the petition.

Fourth: In Sec. 1, 24 V.S.A. § 1461(g), by striking out the word "subdivisions" and inserting in lieu thereof the word subsections

Which proposal of amendment was considered and concurred in.

House Resolution Adopted

H.R. 15

House resolution, entitled

House resolution designating the republic of Vermont celebration – Windsor Heritage Days as the official Vermont celebration of Vermont's independence;

Was taken up and adopted on the part of the House.

Joint Resolution Adopted in Concurrence

J.R.S. 59

Joint resolution, entitled

Joint resolution urging Congress to continue funding AmeriCorps *(NCCC (National Civilian Community Corps);

Was taken up read and adopted in concurrence.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 868

Rep. Smith of Morristown moved that the committee on Ways and Means be relieved of House bill, entitled

An act relating to the municipal land records commission;

And that the bill be committed to the committee on Appropriations, which was agreed to.

Message from Governor

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

Madam Speaker:

I am directed by the Governor to inform the House that on the twenty-first day of March, 2006, he approved and signed a bill originating in the House of the following title:

H. 248 An act relating to registration of lobbyists

Adjournment

At one o'clock and forty-five minutes in the afternoon, on motion of **Rep. Flory of Pittsford**, the House adjourned until tomorrow at nine o'clock in the forenoon.

THURSDAY, MARCH 23, 2006

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

Devotional Exercises

Devotional exercises were conducted by Representative Francis Brooks of Montpelier, VT.

Message from the Senate No. 40

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

Madam Speaker:

I am directed to inform the House that the Senate has on its part passed Senate bills of the following titles:

S. 212. An act relating to the radiological emergency response plan.

S. 256. An act relating to sexual exploitation of an inmate.

S. 259. An act relating to establishing greenhouse gas reduction goals and a plan for meeting those goals.

S. 285. An act relating to coverage of disabled adult children and college students on medical leave.

S. 292. An act relating to the state employee labor relations act.

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

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 212

Senate bill, entitled

An act relating to radiological emergency response plan;

To the committee on Government Operations.

S. 256

Senate bill, entitled

An act relating to sexual exploitation of an inmate;

To the committee on Institutions.

S. 259

Senate bill, entitled

An act relating to establishing greenhouse gas reduction goals and a plan for meeting those goals;

To the committee on Natural Resources and Energy.

S. 285

Senate bill, entitled

An act relating to coverage of disabled adult children and college students on medical leave;

To the committee on Health Care.

S. 292

Senate bill, entitled

An act relating to the state employee labor relations act;
To the committee on General, Housing and Military Affairs.

Consideration Interrupted by Recess;

H. 880

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

Rep. Marron of Stowe, for the committee on Appropriations, to which had been referred House bill, entitled

An act relating to education finance simplification;

Reported in favor of its passage when amended as follows:

First: By adding Secs.19 and 20 to read:

**Sec. 19. FISCAL YEAR 2007 REDUCTION OF EDUCATION PROPERTY
TAX RATES AND APPLICABLE PERCENTAGE**

(a) For fiscal year 2007 only, the education property tax imposed under subsection 5402(a) of Title 32 shall be reduced from the rate of \$1.59 and \$1.10 and shall instead be at the following rates:

(1) the tax rate for nonresidential property shall be \$1.44 per \$100.00;
and

(2) the tax rate for homestead property shall be \$0.95 multiplied by the district spending adjustment for the municipality, per \$100.00;
of equalized education property value as most recently determined under section 5405 of Title 32.

(b) For claims filed for fiscal year 2007 only, "applicable percentage" in subdivision 6066(a)(2) of Title 32 shall be reduced from 2.0 percent and instead shall be 1.80 percent multiplied by the fiscal year 2007 district spending adjustment for the municipality in which the homestead residence is located; but in no event shall the applicable percentage be less than 1.80 percent.

Sec. 20. APPLICATION OF SECTIONS 11 AND 19

If sections 1 through 8 and subsection 18(1) (combining the prebate and rebate programs and creating an adjusted homestead property tax bill) of H. 880 as Introduced are included in final enactment of this legislation, then Sec. 19 of this act (fiscal year 2007 education property tax rates at \$1.44 and \$0.95)

shall take precedence over Sec. 11 (fiscal year 2007 education property tax rates at \$1.47 and \$0.98), and Sec. 11 shall be of no effect.

Second: By adding Sec. 21 to read:

Sec. 21. PREBATE AND REBATE FILING DEADLINE EXTENSION FOR
ACTIVE DUTY MILITARY PERSONNEL

Notwithstanding 32 V.S.A. § 6068(b), for full-time active duty military personnel serving in an area designated as a combat zone by executive order of the President of the United States or serving in a contingency operation as described in section 7508 of title 26 of the United State Code, the time to file property tax adjustment claims otherwise due in 2005 or later, for homeowner property tax adjustment, homeowner rebate and renter rebate under Chapter 154 of Title 32, is extended to 180 days after service in such areas ends or hospitalization due to physical or mental injury or disability resulting from such service ends.

Third: By adding Sec. 22 to read:

Sec. 22. ONE-TIME APPROPRIATIONS; SCHOOL CONSTRUCTION AID

(a) The sum of \$3,691,837.00 is appropriated from the general fund to the department of education for state aid for school construction projects pursuant to section 3448 of Title 16.

(b) The sum of \$10,508,163 is appropriated from the general fund to the department of buildings and general services for state aid for technical center construction projects as follows:

<u>(1) Windham Regional Career Center</u>	<u>\$4,281,815.00</u>
<u>(2) Patricia Hannaford Regional Technical Center</u>	<u>\$2,226,348.00</u>
<u>(3) Green Mountain Technology and Career Center</u>	<u>\$1,000,000.00</u>
<u>(4) North Country Career Center</u>	<u>\$3,000,000.00</u>

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

Pending the question, Shall the House amend the bill as recommended by the committee in Appropriations?

Recess

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

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

**Consideration Resumed; Bill Amended;
Consideration Interrupted by Recess**

H. 880

Consideration resumed on House bill, entitled

An act relating to education finance simplification;

Thereupon, the recurring question, Shall the House amend the bill as recommended by the committee on Appropriations, was agreed to.

Pending the question, Shall the bill be read the third time? **Rep. Livingston of Manchester** moved to amend the bill as follows:

First: In Sec. 19 (a)(1) by striking “\$1.44” and inserting in lieu thereof “\$1.41”; and in subsection (a)(2) by striking “\$0.95” and inserting in lieu thereof “\$0.92”; and by striking the words “shall be reduced from 2.0 percent and instead shall be 1.80 percent” and inserting in lieu thereof “shall remain at 2.0 percent”, and in Sec. 19 (b) by striking the words “but in no event shall the applicable percentage be less than 1.80 percent” and inserting in lieu thereof “but in no event shall the applicable percentage be less than 2.0 percent”

Second: By adding a Sec. 19a to read:

Sec. 19a. REPEAL

Secs. 25 (raising household income ceiling and housesite maximum to \$85,000.00 and \$200,000.00 respectively), 26 (raising household income ceiling to \$90,000.00) and 27 (effective dates relating to Secs. 25 and 26) of No. 38 of the Acts of 2005 are repealed.

Third: By striking Sec. 20, and in the underlying bill, by striking Sec. 11

Pending the question, Shall the House amend the bill as recommended by **Rep. Livingston of Manchester**? **Rep. Koline of Dorset** asked that the question be divided.

Pending the question, Shall the House amend the bill as recommended by **Rep. Livingston of Manchester** in the first instance?

Recess

At twelve o'clock and twenty-five minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

**Consideration Resumed and Third Reading Ordered
H. 880**

Consideration resumed on House bill, entitled

An act relating to education finance simplification;

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

Pending the question, Shall the bill be read the third time? **Rep. Livingston of Manchester** moved to amend the bill as follows:

First: In Sec. 19, by striking “\$1.44” and inserting in lieu thereof “\$1.425”; and in subsection (a)(2) by striking “\$0.95” and inserting in lieu thereof “\$0.935”; and by striking the words “shall be reduced from 2.0 percent and instead shall be 1.80 percent” and inserting in lieu thereof “shall remain at 2.0 percent”, and by striking the words “but in no event shall the applicable percentage be less than 1.80 percent” and inserting in lieu thereof “but in no event shall the applicable percentage be less than 2.0 percent”

Second: In Sec. 19, by striking “\$1.425” and inserting in lieu thereof “\$1.41”; and in subsection (a)(2) by striking “\$0.935” and inserting in lieu thereof “\$0.92”; and by adding a Sec. 19a to read: :

Sec. 19a. REPEAL

Secs. 25 (raising household income ceiling and housesite maximum to \$85,000.00 and \$200,000.00 respectively), 26 (raising household income ceiling to \$90,000.00) and 27 (effective dates relating to Secs. 25 and 26) of No. 38 of the Acts of 2005 are repealed.

Third: By striking Secs. 11 and 20

Rep. Deen of Westminster asked that the question be divided and that Sec. 19(a) of the second instance be taken up first, the third instance of the amendment last and the balance of the amendment, second.

Whereupon, **Rep. Deen of Westminster** raised a Point of Order that Sec. 19(a) is in violation of House rule 61 in that it substantially negates action taken in Sec. 25 and 26 of #38 of the Acts of 2005. Which Point of Order the Speaker ruled well taken and Sec. 19(a) of the amendment was stricken.

Pending the question, Shall the House amend the bill offered by Rep. Livingston of Manchester in the first and second instance? **Rep. Partridge of Windham** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House amend the bill offered by Rep. Livingston of Manchester in

the first and second instance? was decided in the negative. Yeas, 49. Nays, 95.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Allaire of Rutland City
Baker of West Rutland
Bartlett of Dover
Brennan of Colchester
Canfield of Fair Haven
Clark of St. Johnsbury
Clark of Vergennes
Dates of Shelburne
DePoy of Rutland City
Donaghy of Poultney
Donahue of Northfield
Endres of Milton
Errecart of Shelburne
Flory of Pittsford
Helm of Castleton

Houston of Ferrisburgh
Hube of Londonderry
Hudson of Lyndon
Johnson of Canaan
Kainen of Hartford
Kennedy of Chelsea
Kilmartin of Newport City
Koch of Barre Town
Komline of Dorset
Krawczyk of Bennington
Larocque of Barnet
Larrabee of Danville
LaVoie of Swanton
Lawrence of Lyndon
Livingston of Manchester
Louras of Rutland City
Marcotte of Coventry

McFaun of Barre Town
Miller of Elmore
Morley of Barton
Morrissey of Bennington
Myers of Essex
Parent of St. Albans City
Peaslee of Guildhall
Shaw of Derby
Smith of New Haven
Turner of Milton
Valliere of Barre City
Westman of Cambridge
Winters of Swanton
Winters of Williamstown
Young of Orwell

Those who voted in the negative are:

Allard of St. Albans Town
Ancel of Calais
Aswad of Burlington
Atkins of Winooski
Audette of S. Burlington
Barnard of Richmond
Bohi of Hartford
Bostic of St. Johnsbury
Botzow of Pownal
Branagan of Georgia
Brooks of Montpelier
Chen of Mendon
Clarkson of Woodstock
Condon of Colchester
Copeland-Hanzas of
Bradford
Corcoran of Bennington
Cross of Winooski
Darrow of Dummerston
Deen of Westminster
Donovan of Burlington
Dostis of Waterbury
Dowland of Holland
Dunsmore of Georgia
Edwards of Brattleboro
Emmons of Springfield

Evans of Essex
Fallar of Tinmouth
Fisher of Lincoln
Frank of Underhill
French of Randolph
Gervais of Enosburg
Grad of Moretown
Green of Berlin
Haas of Rochester
Head of S. Burlington
Heath of Westford
Hosford of Waitsfield
Howard of Rutland City
Howrigan of Fairfield
Hunt of Essex
Hutchinson of Randolph
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City
Keogh of Burlington
Kiss of Burlington
Kitzmiller of Montpelier
Klein of East Montpelier
Kupersmith of S. Burlington
Larson of Burlington

Leriche of Hardwick
Lippert of Hinesburg
Lorber of Burlington
Maier of Middlebury
Malcolm of Pawlet
Marek of Newfane
Marron of Stowe
Martin of Wolcott
Masland of Thetford
McCullough of Williston
McLaughlin of Royalton
Milkey of Brattleboro
Miller of Shaftsbury
Minter of Waterbury
Molloy of Arlington
Monti of Barre City
Mook of Bennington
Nease of Johnson
Nitka of Ludlow
Nuovo of Middlebury
Obuchowski of Rockingham
O'Donnell of Vernon
Orr of Charlotte
Otterman of Topsham
Partridge of Windham
Pellett of Chester

Perry of Richford
 Peterson of Williston
 Pillsbury of Brattleboro
 Potter of Clarendon
 Pugh of S. Burlington
 Randall of Troy

Reese of Pomfret
 Rodgers of Glover
 Rusten of Halifax
 Seibert of Norwich
 Severance of Colchester
 Shand of Weathersfield

Smith of Morristown
 Sweaney of Windsor
 Tracy of Burlington
 Trombley of Grand Isle
 Wright of Burlington
 Zuckerman of Burlington

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

Martin of Springfield
 McAllister of Highgate

Niquette of Colchester
 Sharpe of Bristol

Sunderland of Rutland Town

Rep. Donahue of Northfield explained her vote as follows:

"Madame Speaker:

This was neither a simple nor easy vote. It would have reduced the increasing cost shift to property owners, not shift more to the income-sensitized. It would have helped protect our lowest income group – renters – from increases. Many non-residential property owners in my district are Vermont retirees with their old farm or a piece of woodland they can no longer afford the taxes to keep after lives of hard work.."

Rep. French of Randolph explained her vote as follows:

"Madam Speaker:

H. 880 will lower the tax burden on lower income Vermonters by lowering the rebate rate for lower income families. I don't want to do anything to remove this positive effect."

Rep. Livingston of Manchester explained her vote as follows:

"Madam Speaker:

At some point we have to take fiscal responsibility for the increasing cost of being a Vermont taxpayer. This amendment is a small attempt toward that end."

Thereupon, **Rep. Livingston of Manchester** asked and was granted leave of the House to withdraw her third instance of amendment.

Pending the question, Shall the bill be read the third time? **Rep. Deen of Westminster** 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 the third time? was decided in the affirmative. Yeas, 127. Nays, 16.

Those who voted in the affirmative are:

Acinapura of Brandon

Adams of Hartland

Allard of St. Albans Town

Ancel of Calais	Heath of Westford	Monti of Barre City
Aswad of Burlington	Helm of Castleton	Mook of Bennington
Atkins of Winooski	Hosford of Waitsfield	Morley of Barton
Audette of S. Burlington	Howard of Rutland City	Morrissey of Bennington
Baker of West Rutland	Howrigan of Fairfield	Myers of Essex
Barnard of Richmond	Hunt of Essex	Nease of Johnson
Bohi of Hartford	Hutchinson of Randolph	Nitka of Ludlow
Bostic of St. Johnsbury	Jerman of Essex	Nuovo of Middlebury
Botzow of Pownal	Jewett of Ripton	Obuchowski of Rockingham
Branagan of Georgia	Johnson of South Hero	O'Donnell of Vernon
Brennan of Colchester	Kainen of Hartford	Orr of Charlotte
Brooks of Montpelier	Keenan of St. Albans City	Otterman of Topsham
Canfield of Fair Haven	Kennedy of Chelsea	Parent of St. Albans City
Chen of Mendon	Keogh of Burlington	Partridge of Windham
Clark of St. Johnsbury	Kilmartin of Newport City	Pellett of Chester
Clarkson of Woodstock	Kiss of Burlington	Perry of Richford
Condon of Colchester	Kitzmiller of Montpelier	Peterson of Williston
Copeland-Hanzas of Bradford	Klein of East Montpelier	Pillsbury of Brattleboro
Corcoran of Bennington	Komline of Dorset	Potter of Clarendon
Cross of Winooski	Krawczyk of Bennington	Pugh of S. Burlington
Darrow of Dummerston	Kupersmith of S. Burlington	Randall of Troy
Dates of Shelburne	Larocque of Barnet	Reese of Pomfret
Deen of Westminster	Larson of Burlington	Rodgers of Glover
Donovan of Burlington	LaVoie of Swanton	Rusten of Halifax
Dostis of Waterbury	Leriche of Hardwick	Seibert of Norwich
Dowland of Holland	Lippert of Hinesburg	Severance of Colchester
Dunsmore of Georgia	Lorber of Burlington	Shand of Weathersfield
Edwards of Brattleboro	Maier of Middlebury	Sharpe of Bristol
Emmons of Springfield	Malcolm of Pawlet	Shaw of Derby
Endres of Milton	Marcotte of Coventry	Smith of New Haven
Evans of Essex	Marek of Newfane	Smith of Morristown
Fallar of Tinmouth	Marron of Stowe	Sweaney of Windsor
Fisher of Lincoln	Martin of Wolcott	Tracy of Burlington
Flory of Pittsford	Masland of Thetford	Trombley of Grand Isle
Frank of Underhill	McCullough of Williston	Turner of Milton
French of Randolph	McFaun of Barre Town	Valliere of Barre City
Gervais of Enosburg	McLaughlin of Royalton	Westman of Cambridge
Grad of Moretown	Milkey of Brattleboro	Winters of Swanton
Green of Berlin	Miller of Shaftsbury	Winters of Williamstown
Haas of Rochester	Miller of Elmore	Wright of Burlington
Head of S. Burlington	Minter of Waterbury	Zuckerman of Burlington
	Molloy of Arlington	

Those who voted in the negative are:

Allaire of Rutland City	Donahue of Northfield	Johnson of Canaan
Bartlett of Dover	Errecart of Shelburne	Koch of Barre Town
Clark of Vergennes	Houston of Ferrisburgh	Larrabee of Danville
DePoy of Rutland City	Hube of Londonderry	Lawrence of Lyndon
Donaghy of Poultney	Hudson of Lyndon	Louras of Rutland City

Peaslee of Guildhall

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

Livingston of Manchester
Martin of Springfield

McAllister of Highgate
Niquette of Colchester

Sunderland of Rutland Town
Young of Orwell

Rep. Clarkson of Woodstock explained her vote as follows:

“Madam Speaker:

H. 880 goes a long way to simplifying what many view as an overly complex education tax mechanism. I applaud the simplification of our prebate/rebate system, the further reduction of our tax rates, and the protection of Vermonter’s confidentiality.”

Rep. Donaghy of Poultney explained his vote as follows:

“Madam Speaker:

Although I am very much in favor of what this bill does, I cannot in good conscience vote for a bill that would have a constituent of mine, Aunt Eileen, pay \$9,000 in property taxes on an annual income of approximately \$15,000. We need to provide some remedy for her and those similarly situated.”

Message from Governor

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

Madam Speaker:

I am directed by the Governor to inform the House that on the twenty-third day of March, 2006, he approved and signed a bill originating in the House of the following title:

H. 579 An act relating to Vermont Service Medals.

Bill Read Second Time; Third Reading Ordered

H. 881

Rep. Heath of Westford spoke for the committee on Appropriations.

House bill entitled

An act making appropriations for the support of government;

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

Message from the Senate No. 41

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

Madam Speaker:

I am directed to inform the House that the Senate has on its part passed Senate bills of the following titles:

S. 12. An act relating to limiting the application of granular fertilizers to nonagricultural turf.

S. 228. An act relating to price gouging for petroleum products.

S. 262. An act relating to expanding employer access to applicants' criminal history records.

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

The Senate has considered bills originating in the House of the following titles:

H. 678. An act relating to the department of banking, insurance, securities, and health care administration.

H. 715. An act relating to the eradication of cervical cancer.

H. 862. An act relating to home study programs.

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

The Senate has on its part adopted a joint resolution of the following title:

J.R.S. 61. Joint resolution relating to weekend adjournment.

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

Adjournment

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

FRIDAY, MARCH 24, 2006

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

Devotional Exercises

Devotional exercises were conducted by Reverend Tom Charleton of the First Baptist Church, Chester, VT.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 12

Senate bill, entitled

An act relating to limiting the application of granular fertilizers to nonagricultural turf;

To the committee on Natural Resources and Energy.

S. 228

Senate bill, entitled

An act relating to price gouging for petroleum products;

To the committee on Commerce.

S. 262

Senate bill, entitled

An act relating to expanding employer access to applicants' criminal history records;

To the committee on Judiciary.

Joint Resolution Adopted in Concurrence**J.R.S. 61**

Joint resolution, entitled

Joint resolution relating to weekend adjournment;

By Senator Welch,

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 24, 2006, it be to meet again no later than Tuesday, March 28, 2006.

Was taken up read and adopted in concurrence.

Bill Amended, Read Third Time and Passed**H. 880**

House bill, entitled

An act relating to education finance simplification;

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

In Sec. 3, on page 4, at the end of line 21, by inserting:

"By a majority of those voting at an annual or special meeting called for that purpose, the voters of a municipality may elect to apply the amount allocated under this chapter to current-year property taxes to the taxpayers' property tax installments in order or pro rata."

Which was agreed to.

Pending third reading of the bill **Rep. Pugh of South Burlington** moved to amend the bill as follows:

First: In Sec. 13, on page 13, by striking subdivision (C) on lines 5 through 17, and by inserting in lieu thereof a new subdivision (C) to read:

(C) without the inclusion of: any gifts from nongovernmental sources; other than those described in subdivision (B) of this subdivision (5); surplus food or other relief in kind supplied by a governmental agency; or the first \$6,500.00 of income earned by a full-time student who qualifies as a dependent of the claimant under the federal Internal Revenue Code, ~~or;~~ the first \$6,500.00 of income received by a parent person who qualifies as a dependent of the claimant under the Internal Revenue Code, and who is the claimant's parent or disabled adult child; or payments made by the state or an agency designated in section 8907 of Title 18 for foster care ~~or to a family of a juvenile, or for flexible family funding or difficulty of care payments made to an individual~~ for the support of an eligible person with a developmental disability as defined in subdivision 8722(2) of Title 18. If the commissioner determines, upon application by the claimant, that a person resides with a claimant who is disabled or was at least 62 years of age as of the end of the year preceding the claim, for the primary purpose of providing attendant care services (as defined in section 6321 of Title 33) or homemaker or companionship services, with or without compensation, which allow the claimant to remain in his or her home or avoid institutionalization, the commissioner shall exclude that person's modified adjusted gross income from the claimant's household income. The commissioner may require that a certificate in a form satisfactory to the commissioner be submitted which supports the claim.

Second: On pages 13 and 14, by striking Sec. 14 and inserting in lieu thereof a new Sec. 14 to read:

Sec. 14. APPLICATION OF AMENDMENT

(a) The amendment to 32 V.S.A. § 6061(5)(C) in Sec. 13 of this act, which reads: "or payments made by the state or an agency designated in section 8907 of Title 18 for foster care or to a family of a juvenile, or for flexible family funding or difficulty of care payments made to an individual for the support of an eligible person with a developmental disability as defined in subdivision 8722(2) of Title 18" shall apply to property tax adjustment claims filed in 2005, 2006 and 2007, and is repealed effective January 1, 2008. The study required by Sec. 15 of this act shall determine whether continuing the exclusion of this income is necessary to maintain the system of care for developmentally disabled persons.

(b) Any tax assessments contrary to the amendment referenced in subsection (a) of this section and made before the effective date of this act shall be abated.

(c) Any person may file, on or before September 1, 2006, a late or amended property tax adjustment claim related to household income in 2004 or 2005 solely to reflect the amendment referenced in subsection (a) of this section.

and by striking Sec. 16 and renumbering the remaining sections to be numerically correct.

Third: In Sec. 15, on page 14, by striking line 16, and inserting in lieu thereof:

"house committees on appropriations, human services, and ways and means and the senate committees on appropriations, finance, and health and welfare by"

and by striking lines 13 and 14 and inserting in lieu thereof:

"portion of such payments, and whether the continuing exclusion of such income is necessary to maintain the system of care for developmentally"

Pending the question, Shall the House amend the bill as recommended by Rep. Pugh of South Burlington? **Rep. Seibert of Norwich** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House amend the bill as recommended by Rep. Pugh of South Burlington? was decided in the affirmative. Yeas, 103. Nays, 30.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Allard of St. Albans Town
Ancel of Calais

Aswad of Burlington
Atkins of Winooski
Audette of S. Burlington
Barnard of Richmond

Bohi of Hartford
Bostic of St. Johnsbury
Botzow of Pownal
Branagan of Georgia

Brooks of Montpelier	Hosford of Waitsfield	Miller of Shaftsbury
Chen of Mendon	Howard of Rutland City	Miller of Elmore
Clarkson of Woodstock	Howrigan of Fairfield	Minter of Waterbury
Condon of Colchester	Hunt of Essex	Molloy of Arlington
Copeland-Hanzas of Bradford	Hutchinson of Randolph	Monti of Barre City
Corcoran of Bennington	Jerman of Essex	Mook of Bennington
Cross of Winooski	Jewett of Ripton	Myers of Essex
Darrow of Dummerston	Johnson of South Hero	Nuovo of Middlebury
Dates of Shelburne	Keenan of St. Albans City	Obuchowski of Rockingham
Deen of Westminster	Keogh of Burlington	Orr of Charlotte
Donaghy of Poultney	Kiss of Burlington	Otterman of Topsham
Donahue of Northfield	Kitzmiller of Montpelier	Partridge of Windham
Donovan of Burlington	Klein of East Montpelier	Pellett of Chester
Dostis of Waterbury	Koch of Barre Town	Perry of Richford
Dunsmore of Georgia	Kupersmith of S. Burlington	Peterson of Williston
Edwards of Brattleboro	Larocque of Barnet	Pillsbury of Brattleboro
Emmons of Springfield	Larson of Burlington	Potter of Clarendon
Endres of Milton	Lawrence of Lyndon	Pugh of S. Burlington
Evans of Essex	Leriche of Hardwick	Seibert of Norwich
Fallar of Tinmouth	Lippert of Hinesburg	Shand of Weathersfield
Fisher of Lincoln	Lorber of Burlington	Sharpe of Bristol
Frank of Underhill	Louras of Rutland City	Smith of Morristown
French of Randolph	Maier of Middlebury	Sweaney of Windsor
Gervais of Enosburg	Malcolm of Pawlet	Tracy of Burlington
Grad of Moretown	Marek of Newfane	Trombley of Grand Isle
Green of Berlin	Martin of Wolcott	Turner of Milton
Haas of Rochester	Masland of Thetford	Valliere of Barre City
Head of S. Burlington	McCullough of Williston	Westman of Cambridge
Heath of Westford	McFaun of Barre Town	Wright of Burlington
Helm of Castleton	McLaughlin of Royalton	Zuckerman of Burlington
	Milkey of Brattleboro	

Those who voted in the negative are:

Allaire of Rutland City	Houston of Ferrisburgh	Morrissey of Bennington
Baker of West Rutland	Hube of Londonderry	Nitka of Ludlow
Bartlett of Dover	Hudson of Lyndon	O'Donnell of Vernon
Canfield of Fair Haven	Johnson of Canaan	Parent of St. Albans City
Clark of St. Johnsbury	Kennedy of Chelsea	Peaslee of Guildhall
Clark of Vergennes	Komline of Dorset	Rusten of Halifax
DePoy of Rutland City	Krawczyk of Bennington	Smith of New Haven
Dowland of Holland	Larrabee of Danville	Winters of Swanton
Errecart of Shelburne	LaVoie of Swanton	Winters of Williamstown
Flory of Pittsford	Marron of Stowe	Young of Orwell

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

Brennan of Colchester	Marcotte of Coventry	Nease of Johnson
Kainen of Hartford	Martin of Springfield	Niquette of Colchester
Kilmartin of Newport City	McAllister of Highgate	Randall of Troy
Livingston of Manchester	Morley of Barton	Reese of Pomfret

Rodgers of Glover
Severance of Colchester

Shaw of Derby
Sunderland of Rutland Town

Rep. Deen of Westminster explained his vote as follows:

"Madam Speaker:

This amendment clarifies an over zealous and mean spirited mis-interpretation by the tax commissioner that is wrong on the law and harmful to Vermonters in our care. This amendment costs the Education Fund absolutely nothing."

Rep. Dowland of Holland explained his vote as follows:

"Madam Speaker:

If the veterans have to pay on their disability checks, why exempt these caregivers? This is why I voted NO! The caregiver takes care of the disabled veteran, caregiver gets a free ride and the vet pays. Something is wrong with this system."

Rep. Errecart of Shelburne explained her vote as follows:

"Madam Speaker:

I vote no. In the name of expressing gratitude to caregivers who provide an essential and difficult service, we're taking more than \$600,000 each year from the Education Fund."

Rep. Flory of Pittsford explained her vote as follows:

"Madam Speaker:

I support the intent of this amendment. However, it should be out of the General Fund, NOT the Education Fund. At a minimum, this discussion points out the difficulties with poorly worded general resolutions."

Rep. Kennedy of Chelsea explained her vote as follows:

"Madam Speaker:

We're still playing games with words here. If we can't use Education money for Transportation needs, how can we justify using it for H. 880. I vote no."

Rep. Partridge of Windham explained her vote as follows:

"Madam Speaker:

Transferring funds from the Education Fund to the Transportation Fund to use for non-educational purposes is raiding the Education Fund. Using Education Fund money for income sensitivity that is current practice is not

raiding the Education Fund, it is using the money for the purpose that was intended."

Rep. Smith of New Haven explained his vote as follows:

"Madam Speaker:

I support the concept and purpose of this amendment but I voted no because I believe this should be funded from the General Fund and not the Education Fund."

Rep. Smith of Morristown explained his vote as follows:

"Madam Speaker:

I have never gotten a clear answer what portion of difficulty of care payments is paid as income as opposed to expenses. Without such clarification, I do not think it appropriate to count these payments as income for purposes of calculating household income."

Rep. Young of Orwell explained his vote as follows:

"Madam Speaker:

I vote no – the amendment belongs on H. 881 instead of H. 880. Let's pass an accurate Appropriations bill."

Thereupon, the bill was read a third time.

Pending the question, Shall the bill pass? **Rep. Allaire of Rutland 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 pass? was decided in the affirmative. Yeas, 119. Nays, 15.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Allaire of Rutland City
Allard of St. Albans Town
Ancel of Calais
Aswad of Burlington
Atkins of Winooski
Audette of S. Burlington
Barnard of Richmond
Bohi of Hartford
Bostic of St. Johnsbury
Botzow of Pownal
Branagan of Georgia
Brooks of Montpelier
Canfield of Fair Haven

Chen of Mendon
Clark of Vergennes
Clarkson of Woodstock
Condon of Colchester
Copeland-Hanzas of
Bradford
Corcoran of Bennington
Cross of Winooski
Darrow of Dummerston
Dates of Shelburne
Deen of Westminster
DePoy of Rutland City
Donovan of Burlington
Dostis of Waterbury
Dowland of Holland

Dunsmore of Georgia
Edwards of Brattleboro
Emmons of Springfield
Endres of Milton
Evans of Essex
Fallar of Tinmouth
Fisher of Lincoln
Flory of Pittsford
Frank of Underhill
French of Randolph
Gervais of Enosburg
Grad of Moretown
Green of Berlin
Haas of Rochester
Head of S. Burlington

Heath of Westford	Leriche of Hardwick	Orr of Charlotte
Helm of Castleton	Lippert of Hinesburg	Otterman of Topsham
Hosford of Waitsfield	Lorber of Burlington	Parent of St. Albans City
Houston of Ferrisburgh	Maier of Middlebury	Partridge of Windham
Howard of Rutland City	Malcolm of Pawlet	Pellet of Chester
Howrigan of Fairfield	Marek of Newfane	Perry of Richford
Hunt of Essex	Marron of Stowe	Peterson of Williston
Hutchinson of Randolph	Martin of Wolcott	Pillsbury of Brattleboro
Jerman of Essex	Masland of Thetford	Potter of Clarendon
Jewett of Ripton	McCullough of Williston	Pugh of S. Burlington
Johnson of South Hero	McFaun of Barre Town	Rusten of Halifax
Kainen of Hartford	McLaughlin of Royalton	Seibert of Norwich
Keenan of St. Albans City	Milkey of Brattleboro	Shand of Weathersfield
Kennedy of Chelsea	Miller of Shaftsbury	Sharpe of Bristol
Keogh of Burlington	Miller of Elmore	Smith of New Haven
Kiss of Burlington	Minter of Waterbury	Smith of Morristown
Kitzmiller of Montpelier	Molloy of Arlington	Sweaney of Windsor
Klein of East Montpelier	Monti of Barre City	Tracy of Burlington
Komline of Dorset	Mook of Bennington	Trombley of Grand Isle
Krawczyk of Bennington	Morrissey of Bennington	Turner of Milton
Kupersmith of S. Burlington	Myers of Essex	Westman of Cambridge
Larocque of Barnet	Nitka of Ludlow	Winters of Swanton
Larson of Burlington	Nuovo of Middlebury	Winters of Williamstown
LaVoie of Swanton	Obuchowski of Rockingham	Wright of Burlington
Lawrence of Lyndon	O'Donnell of Vernon	Zuckerman of Burlington

Those who voted in the negative are:

Baker of West Rutland	Errecart of Shelburne	Larrabee of Danville
Bartlett of Dover	Hube of Londonderry	Louras of Rutland City
Clark of St. Johnsbury	Hudson of Lyndon	Peaslee of Guildhall
Donaghy of Poultney	Johnson of Canaan	Valliere of Barre City
Donahue of Northfield	Koch of Barre Town	Young of Orwell

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

Brennan of Colchester	McAllister of Highgate	Reese of Pomfret
Kilmartin of Newport City	Morley of Barton	Rodgers of Glover
Livingston of Manchester	Nease of Johnson	Severance of Colchester
Marcotte of Coventry	Niquette of Colchester	Shaw of Derby
Martin of Springfield	Randall of Troy	Sunderland of Rutland Town

Rep. Donahue of Northfield explained her vote as follows:

"Madam Speaker:

I vote no because we gain a \$33 million windfall to spend from this revision. It doesn't come from thin air. That means it comes from low income Vermonters paying from an invisible year in a forever future that is hidden in a date change."

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

"Madam Speaker:

This bill is titled "An act relating to education finance simplification." Unfortunately, I do not perceive simplification, but rather confusion. I am also concerned that this system erodes taxpayers' privacy, and I do not support the manufacturing of a supposed windfall by postponing our obligations to Vermonters who earn less than \$47,000 annually from one fiscal year to another. I appreciate the hard work of the Ways and Means committee, but on balance, I cannot support this bill."

Rep. Allaire of Rutland City explained his vote as follows:

"Madam Speaker:

I am still troubled by the continued expansion of income sensitivity and the dollars associated with collecting property taxes to fund education and turning around and sending more and more money back out through rebates and prebates, and now back to the towns through H. 880.

Yesterday, for the first time in my six years in the Legislature, I'm beginning to truly believe there is now momentum in this building and throughout Vermont that its time to scrap Act 60/Act 68 and the continued complicated way we fund education, and replace it with something more simple and based entirely on ability to pay.

I vote yes today in recognition of the hard work of my colleagues in Ways and Means. Recognizing the positive effects of combining the rebate and prebate programs, lowering the statewide property tax, and the one-time savings in the Education fund and in the General fund. I do believe in the short-run, this is a step in the right direction."

Bill Amended; Consideration Interrupted by Recess

H. 881

House bill, entitled

An act making appropriations for the support of government;

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

First: In Sec. 79, line 11, by striking out the figure "1,571,703" and inserting in lieu thereof the figure 1,871,703 and by striking out the line "interdepartmental transfer 300,000" on line 13

Second: In Sec. 118(a), line 20, at the end of the second sentence, by inserting a new sentence to read as follows:

It is the intent of the general assembly that if Global Commitment fund monies in this subsection are unavailable, the total funding for Vermont AIDS service organizations and peer-support organizations for client-based support services shall be maintained through the general fund or other state funding sources.

Third: In Sec. 271(a)(7), line 20, after the amount \$350,000, by inserting the words: is transferred

Fourth: In Sec. 271(a)(33), line 6, after the amount \$110,000, by inserting the words: is transferred

Which was agreed to.

Pending third reading of the bill **Rep. Dostis of Waterbury** moved to amend the bill as follows:

By adding a new Sec. 90a to read as follows:

Sec. 90a. PUBLIC SERVICE DEPARTMENT APPROPRIATION

(a) The sum of \$1,000,000.00 is appropriated during fiscal year 2006 from the clean energy development fund established under 10 V.S.A. § 6523 to the public service department, as funds are available, for purposes established under that section. Funds allocated during fiscal year 2006 may be expended without convening the clean energy fund's advisory board. The sum of \$2,400,000.00 is appropriated during fiscal year 2007 from the clean energy development fund to the public service department for purposes established under that section. Of this amount, up to five percent is appropriated to the public service department for administrative costs related to the clean energy development fund.

(b) This section shall take effect upon passage.

Which was agreed to.

Recess

At twelve o'clock and twenty-five minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

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

H. 881

Consideration resumed on House bill, entitled

An act making appropriations for the support of government;

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

First: In Sec. 188, line 11, by striking the number "133,900,000" and inserting in lieu thereof the number 101,155,000 and in line 13, by striking the number "16,995,000" and inserting in lieu thereof the number 2,250,000 and in line 14, by striking the number "116,905,000" and inserting in lieu thereof the number 98,905,000 and in line 15, by striking the number "133,900,000" and inserting in lieu thereof the number 101,155,000.

Second: In Sec. 189, line 17, by striking the number "1,796,525,580" and inserting in lieu thereof the number 1,763,780,580 and in line 19, by striking the number "324,584,689" and inserting in lieu thereof the number 309,839,689 and in line 21 by striking the number "1,313,357,597" and inserting in lieu thereof the number 1,295,357,597 and on page 102, in line 6, by striking the number "1,796,525,580" and inserting in lieu thereof the number 1,763,780,580.

Third: In Sec. 121, line 14, by striking the number "110,000" and inserting in lieu thereof the number 130,000. On line 6 by striking out 20,880,145 and inserting in lieu thereof 20,900,145 and on lines 7 and 14 by striking 31,239,496 and inserting in lieu thereof 31,259,496

Which was agreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Flory of Pittsford** 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, 120. Nays, 10.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Allaire of Rutland City
Allard of St. Albans Town
Ancel of Calais
Aswad of Burlington
Atkins of Winooski
Audette of S. Burlington
Baker of West Rutland
Barnard of Richmond
Bohi of Hartford
Bostic of St. Johnsbury
Botzow of Pownal

Branagan of Georgia
Brooks of Montpelier
Canfield of Fair Haven
Chen of Mendon
Clark of Vergennes
Clarkson of Woodstock
Condon of Colchester
Corcoran of Bennington
Cross of Winooski
Darrow of Dummerston
Dates of Shelburne
Deen of Westminster
DePoy of Rutland City

Donaghy of Poultney
Donahue of Northfield
Donovan of Burlington
Dostis of Waterbury
Dowland of Holland
Dunsmore of Georgia
Edwards of Brattleboro
Emmons of Springfield
Endres of Milton
Evans of Essex
Fallar of Tinnmouth
Fisher of Lincoln
Flory of Pittsford

Frank of Underhill	Krawczyk of Bennington	Nuovo of Middlebury
French of Randolph	Kupersmith of S. Burlington	Obuchowski of Rockingham
Gervais of Enosburg	Larson of Burlington	O'Donnell of Vernon
Grad of Moretown	LaVoie of Swanton	Orr of Charlotte
Green of Berlin	Lawrence of Lyndon	Otterman of Topsham
Haas of Rochester	Leriche of Hardwick	Partridge of Windham
Head of S. Burlington	Lippert of Hinesburg	Pellett of Chester
Heath of Westford	Lorber of Burlington	Perry of Richford
Hosford of Waitsfield	Louras of Rutland City	Peterson of Williston
Houston of Ferrisburgh	Maier of Middlebury	Potter of Clarendon
Howard of Rutland City	Malcolm of Pawlet	Pugh of S. Burlington
Howrigan of Fairfield	Marek of Newfane	Reese of Pomfret
Hudson of Lyndon	Marron of Stowe	Rusten of Halifax
Hunt of Essex	Martin of Wolcott	Seibert of Norwich
Hutchinson of Randolph	Masland of Thetford	Shand of Weathersfield
Jerman of Essex	McCullough of Williston	Sharpe of Bristol
Jewett of Ripton	McFaun of Barre Town	Smith of New Haven
Johnson of South Hero	McLaughlin of Royalton	Smith of Morristown
Kainen of Hartford	Milkey of Brattleboro	Sweaney of Windsor
Keenan of St. Albans City	Miller of Shaftsbury	Tracy of Burlington
Kennedy of Chelsea	Minter of Waterbury	Trombley of Grand Isle
Keogh of Burlington	Molloy of Arlington	Turner of Milton
Kiss of Burlington	Monti of Barre City	Valliere of Barre City
Kitzmiller of Montpelier	Mook of Bennington	Westman of Cambridge
Klein of East Montpelier	Morrissey of Bennington	Winters of Williamstown
Koch of Barre Town	Myers of Essex	Wright of Burlington
Komline of Dorset	Nitka of Ludlow	Zuckerman of Burlington

Those who voted in the negative are:

Clark of St. Johnsbury	Larocque of Barnet	Peaslee of Guildhall
Errecart of Shelburne	Larrabee of Danville	Winters of Swanton
Hube of Londonderry	Miller of Elmore	
Johnson of Canaan	Parent of St. Albans City	

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

Bartlett of Dover	Marcotte of Coventry	Randall of Troy
Brennan of Colchester	Martin of Springfield	Rodgers of Glover
Copeland-Hanzas of	McAllister of Highgate	Severance of Colchester
Bradford	Morley of Barton	Shaw of Derby
Helm of Castleton	Nease of Johnson	Sunderland of Rutland Town
Kilmartin of Newport City	Niquette of Colchester	Young of Orwell
Livingston of Manchester	Pillsbury of Brattleboro	

Rep. Botzow of Pownal explained his vote as follows:

"Madam Speaker:

When it comes to rural economic development everybody talks about affordable housing, farmers, job training, entrepreneurs, infrastructure and more. Today, with the passage of this budget, we "just do it".

Rep. Flory of Pittsford explained her vote as follows:

"Madam Speaker:

We have raised a gas tax; we have raised a cigarette tax; we have refused to lower our property tax as much as we could' we have put our Medicaid funds further at risk; we have spent more than 2/3 of our Global Commitment money and we have spent all of the money for the VT Promise Scholarship – all in previous bills. Unfortunately, there is now little left to debate. Hopefully, we'll have another chance after conference committees."

Rep. Hosford of Waitsfield explained her vote as follows:

"Madam Speaker:

In a time when federal funds for social programs are being cut, this budget supports Vermont children and families. It increases money for our youngest children, our teenagers, our homeless and runaways. As a lifelong educator, I applaud this investment in the children who are our future."

Rep. Kiss of Burlington explained his vote as follows:

"Madam Speaker:

I would be remiss not to register the absence once again of funding in this bill for dentures and eye glasses for people eligible for Medicaid in Vermont. And, the rateable reduction for Reach-Up grants remains below 50% of the standard of need. We can do better.

Despite these gaps, this budget does increase child care subsidies, improves the back rent program, supports micro-business development, independent savings accounts, and women's small business development – and it protects the dental cap in Medicaid at \$475 annually. This is progress."

Proposal of Amendment Agreed to; Third Reading Ordered

S. 27

Rep. Lippert of Hinesburg, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to a safe haven defense to the crime of ;

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

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

Sec. 1. SHORT TITLE

This act shall be known as the "Baby Safe Haven Law."

Sec. 2. LEGISLATIVE INTENT

It is the intent of the General Assembly that this act provide a procedure which ensures the safety and well-being of newborns and infants. The General Assembly recognizes that it is preferable for a wide array of services to be available to all expectant mothers, and to newborn infants and their mothers. The procedure established in this act should be considered a safeguard that will be followed only in extraordinary circumstances.

Sec. 3. 13 V.S.A. § 1303 is amended to read:

§ 1303. ABANDONMENT OR EXPOSURE OF BABY

(a) A person who abandons or exposes a child under the age of two years, whereby the life or health of such child is endangered, shall be imprisoned not more than ten years or fined not more than \$1,000.00 \$10,000.00, or both.

(b)(1) It is not a violation of this section if ~~the~~ a person voluntarily delivers a child not more than 30 days of age to:

(A) An employee, staff member, or volunteer at a health care facility.

(B) An employee, staff member, or volunteer at a fire station, police station, or ~~church which is being attended by a person~~ place of worship.

(C) A 911 emergency responder at a location where the responder and the person have agreed to transfer the child.

(2) A person voluntarily delivering a child under this subsection shall not be required to reveal any personally identifiable information, but may be offered the opportunity to provide information concerning the child's or family's medical history.

(3) A person or facility to whom a child is delivered pursuant to this subsection shall be immune from civil or criminal liability for any action taken pursuant to this subsection.

(4) A ~~health care facility, fire station, police station, church, or 911 emergency responder~~ person or facility to whom a child is delivered pursuant to this subsection shall:

(A) Take temporary custody of the child and ensure that he or she receives any necessary medical care.

(B) Provide notice that he, she, or it has taken temporary custody of the child to a law enforcement agency.

(C) Provide notice that he, she, or it has taken temporary custody of the child to the department for children and family services, which shall take custody of the child as soon as practicable.

(5) The department for children and family services shall develop and implement a public information program to increase public awareness about the provisions of the Baby Safe Haven Law, and shall report on the elements and status of the program by January 15, 2007, to the chairs of the senate committee on health and welfare and the house committee on human services.

And that the title be amended to read as follows "AN ACT RELATING TO DECRIMINALIZING VOLUNTARILY DELIVERING A BABY TO A SAFE HAVEN"

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

Favorable Report; Third Reading Ordered

S. 111

Rep. Dostis of Waterbury, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to prior service credit for teachers;

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.H. 7

Rep. Sharpe of Bristol, for the committee on Transportation, to which had been referred Joint resolution, entitled

Joint resolution urging the state of New Hampshire to expedite the restoration of the Vilas bridge;

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.

Rules Suspended; Bill Messaged to Senate Forthwith**H. 881**

On motion of **Rep. Flory of Pittsford**, the rules were suspended and House bill, entitled

An act making appropriations for the support of government;
was ordered messaged to the Senate forthwith.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****S. 12**

Rep. McCullough of Williston moved that the committee on Natural Resources and Energy be relieved of Senate bill, entitled

Senate bill, entitled

An act relating to limiting the application of granular fertilizers to nonagricultural turf;

And that the bill be committed to the committee on Fish, Wildlife and Water Resources, which was agreed to.

Message from the Senate No. 42

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

Madam Speaker:

I am directed to inform the House that the Senate has on its part passed Senate bill of the following title:

S. 158. An act relating to the disposition of unclaimed property by the state.

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

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

S.C.R. 58. Senate concurrent resolution congratulating Charles Shackleton on being named the Vermont Wood Manufacturers Association's "Woodworker of the Year".

S.C.R. 59. Senate concurrent resolution in memory of former Woodstock town clerk Frederick A. Doubleday.

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

H.C.R. 260. House concurrent resolution congratulating the 2006 Colchester High School Lakers Division II championship boys hockey team.

H.C.R. 261. House concurrent resolution congratulating the 2006 Colchester Lakers Division II championship girls hockey team.

H.C.R. 262. House concurrent resolution congratulating Travis St. Hilaire on the completion of his outstanding high school wrestling career.

H.C.R. 263. House concurrent resolution honoring Vermont's museums during the year of the museum.

H.C.R. 264. House concurrent resolution congratulating recently certified master loggers and congratulating the 2005 Vermont master logger of the year.

H.C.R. 265. House concurrent resolution congratulating the Gifford Medical Center Auxiliary on its centennial anniversary.

H.C.R. 266. House concurrent resolution honoring Roger and Rosie Wilson as outstanding citizens of Grafton.

H.C.R. 267. House concurrent resolution congratulating the Enosburg High School Hornets 2006 girls basketball Division III championship team.

H.C.R. 268. House concurrent resolution honoring the American Red Cross and its Vermont volunteers during American Red Cross Month.

H.C.R. 269. House concurrent resolution in memory of Vermont National Guard Sgt. Scott P McLaughlin of Hardwick.

Adjournment

At two o'clock and forty-five minutes in the afternoon, on motion of **Rep. Flory of Pittsford**, the House adjourned until Tuesday, March 24, 2006, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 61.

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. 260

House concurrent resolution congratulating the 2006 Colchester High School Lakers Division II championship boys hockey team

H.C.R. 261

House concurrent resolution congratulating the 2006 Colchester Lakers Division II championship girls hockey team

H.C.R. 262

House concurrent resolution congratulating Travis St. Hilaire on the completion of his outstanding high school wrestling career

H.C.R. 263

House concurrent resolution honoring Vermont's museums during the year of the museum

H.C.R. 264

House concurrent resolution congratulating recently certified master loggers and congratulating the 2005 Vermont master logger of the year

H.C.R. 265

House concurrent resolution congratulating the Gifford Medical Center Auxiliary on its centennial anniversary

H.C.R. 266

House concurrent resolution honoring Roger and Rosie Wilson as outstanding citizens of Grafton

H.C.R. 267

House concurrent resolution congratulating the Enosburg High School Hornets 2006 girls basketball Division III championship team

H.C.R. 268

House concurrent resolution honoring the American Red Cross and its Vermont volunteers during American Red Cross Month

H.C.R. 269

House concurrent resolution in memory of Vermont National Guard Sgt. Scott P. McLaughlin of Hardwick

S.C.R. 58

Senate concurrent resolution congratulating Charles Shackleton on being named the Vermont Wood Manufacturers Association's "Woodworker of the Year"

S.C.R. 59

Senate concurrent resolution in memory of former Woodstock town clerk Frederick A. Doubleday

[The full text of the concurrent resolutions appeared in the Senate and House Calendar Addendum on the preceding legislative day and will appear in the volume of the Public Acts and Resolves of the 2006, sixty-eighth Adjourned session]

TUESDAY, MARCH 28, 2006

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Representative Carolyn Partridge and Ben Partridge of Windham, VT.

Pledge of Allegiance

Page Daniel Rowe of Northfield led the House in the Pledge of Allegiance.

House Bill Introduced**H. 883**

Reps. Keogh of Burlington, Aswad of Burlington, Atkins of Winooski, Cross of Winooski, Donovan of Burlington, Kiss of Burlington, Larson of Burlington, Lorber of Burlington, Tracy of Burlington, Wright of Burlington and Zuckerman of Burlington, introduced a bill, entitled

An act relating to amending the charter of the City of Burlington;

Which was read the first time and referred to the committee on Government Operations.

Committee Bill Introduced**H. 884**

Rep. Sweaney of Windsor, for the committee on Government Operations, introduced a bill, entitled

An act relating to the Vermont Municipal Employees' Retirement System;

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

Senate Bill Referred**S. 158**

Senate bill, entitled

An act relating to the disposition of unclaimed property by the state;

Was taken up, read the first time and referred to the committee on Government Operations.

Joint Resolution Referred to Committee**J.R.H. 66**

Rep. Obuchowski of Rockingham offered a joint resolution, entitled

Joint resolution relating to developing a new state electric energy plan;

Whereas, in 2012, the federal operating license for the Vermont Yankee nuclear power plant expires, and between 2015 and 2020, the long-term agreements to purchase electricity from Hydro Québec will expire, and

Whereas, in combination, these sources represent two-thirds of the electric power consumed in the state of Vermont, and

Whereas, regardless of future conservation and energy efficiency efforts, Vermonters' demand for electric energy may continue to increase, and

Whereas, in the very near future, Vermont will have to come to grips with the fundamental trade-offs that are inevitable in choosing from various generation sources of electric power, and

Whereas, these trade-offs will involve crucial environmental, economic, and quality-of-life decisions that will affect Vermonters for decades, and

Whereas, pursuant to 30 V.S.A. § 202(b), the department of public service is required to prepare a 20-year electric energy plan, and

Whereas, in 2005, the department of public service issued and then revised the most recent version of the state's electric energy plan, and

Whereas, the plan, even in its revised form, was inadequate in its analysis of the costs and benefits of different energy source options for use in Vermont in a situation in which neither Vermont Yankee nor Hydro Québec is an available electric energy source, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests the department of public service to develop a new and comprehensive state electric energy plan and that it be

submitted to the General Assembly on or before March 1, 2007, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to Public Service Board Chair James Volz and Commissioner of Public Service David O'Brien.

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

**Bill Read the Third Time and Passed in Concurrence
With Proposal of Amendment**

S. 27

Senate bill, entitled

An act relating to a safe haven defense to the crime of abandoning a baby;

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

In Sec. 3, § 1303(b)(1) of 13 V.S.A., by striking subdivision (B) in its entirety and inserting in lieu thereof a new subdivision (B) to read as follows:

(B) An employee, staff member, or volunteer at a fire station, police station, place of worship, or social services agency.

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Third Reading; Bill Passed in Concurrence

S. 111

Senate bill, entitled

An act relating to prior service credit for teachers;

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

Third Reading; Joint Resolution Adopted

J.R.H. 7

Joint resolution, entitled

Joint resolution urging the state of New Hampshire to expedite the restoration of the Vilas bridge;

Was taken up, read the third time and adopted.

Action on Bill Postponed**H. 678**

House bill, entitled

An act relating to the department of banking, insurance, securities, and health care administration;

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Kitzmiller of Montpelier**, action on the bill was postponed until Friday, March 31, 2006.

Action on Bill Postponed**H. 715**

House bill, entitled

An act relating to eradication of cervical cancer;

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

Senate Proposal of Amendment Concurred in**H. 862**

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

An act relating to home study programs;

First: In Sec. 1, 16 V.S.A. § 166b(a)(1), by striking out the words "by year and month" and inserting in lieu thereof the words month and year of birth

Second: In Sec. 1, 16 V.S.A. § 166b(d)(1), by striking out the words "who is not the parent or legal guardian of the student"

Third: In Sec. 1, 16 V.S.A. § 166b(k), in the second sentence, by striking out the words "age- and ability- appropriate progress" and inserting in lieu thereof the words progress commensurate with age and ability

Fourth: In Sec. 1, 16 V.S.A. § 166b(l), in the last sentence, by striking out the words "for the school year in which the child reaches the age of 12" and inserting in lieu thereof the words who is 12 years old at the time the enrollment notice is submitted

Fifth: At the end of the bill, by adding a new Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATES

This legislation shall take effect for home study programs enrolling for school year 2006 - 2007 and each year thereafter.

Which proposal of amendment was considered and concurred in.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

S. 209

Rep. Lippert of Hinesburg moved that the committee on Judiciary be relieved of Senate bill, entitled

An act relating to an exemption from the safety belt and child restraint laws for emergency evacuations;

And that the bill be committed to the committee on Transportation, which was agreed to.

Recess

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

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

House Concurrent Resolution Adopted

H.C.R. 270

Reps. Sweaney of Windsor, Acinapura of Brandon, Adams of Hartland, Allaire of Rutland City, Allard of St. Albans Town, Ancel of Calais, Aswad of Burlington, Atkins of Winooski, Audette of S. Burlington, Baker of West Rutland, Barnard of Richmond, Bartlett of Dover, Bohi of Hartford, Bostic of St. Johnsbury, Botzow of Pownal, Branagan of Georgia, Brennan of Colchester, Brooks of Montpelier, Canfield of Fair Haven, Chen of Mendon, Clark of St. Johnsbury, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Copeland-Hanzas of Bradford, Corcoran of Bennington, Cross of Winooski, Darrow of Dummerston, Dates of Shelburne, Deen of Westminster, DePoy of Rutland City, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Dostis of Waterbury, Dowland of Holland, Dunsmore of Georgia, Edwards of Brattleboro, Emmons of Springfield, Endres of Milton, Errecart of Shelburne, Evans of Essex, Fallar of Tinmouth, Fisher of Lincoln, Flory of Pittsford, Frank of Underhill, French of Randolph, Gervais of Enosburg, Grad of Moretown, Green of Berlin, Haas of Rochester, Head of S. Burlington, Heath of Westford, Helm of Castleton, Hosford of Waitsfield, Houston of Ferrisburgh, Howard of Rutland City, Howrigan of Fairfield, Hube of Londonderry, Hunt of Essex, Hutchinson of Randolph, Jerman of Essex,

Jewett of Ripton, Johnson of South Hero, Johnson of Canaan, Kainen of Hartford, Keenan of St. Albans City, Kennedy of Chelsea, Keogh of Burlington, Kilmartin of Newport City, Kiss of Burlington, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krawczyk of Bennington, Kupersmith of S. Burlington, Larocque of Barnet, Larrabee of Danville, Larson of Burlington, LaVoie of Swanton, Lawrence of Lyndon, Leriche of Hardwick, Lippert of Hinesburg, Livingston of Manchester, Lorber of Burlington, Louras of Rutland City, Maier of Middlebury, Malcolm of Pawlet, Marcotte of Coventry, Marek of Newfane, Marron of Stowe, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, McLaughlin of Royalton, Milkey of Brattleboro, Miller of Shaftsbury, Miller of Elmore, Minter of Waterbury, Molloy of Arlington, Monti of Barre City, Mook of Bennington, Morley of Barton, Morrissey of Bennington, Myers of Essex, Nease of Johnson, Niquette of Colchester, Nitka of Ludlow, Nuovo of Middlebury, O'Donnell of Vernon, Orr of Charlotte, Otterman of Topsham, Parent of St. Albans City, Partridge of Windham, Peaslee of Guildhall, Pellett of Chester, Perry of Richford, Peterson of Williston, Pillsbury of Brattleboro, Potter of Clarendon, Pugh of S. Burlington, Randall of Troy, Reese of Pomfret, Rodgers of Glover, Rusten of Halifax, Seibert of Norwich, Severance of Colchester, Shand of Weathersfield, Sharpe of Bristol, Shaw of Derby, Smith of New Haven, Smith of Morristown, Sunderland of Rutland Town, Symington of Jericho, Tracy of Burlington, Trombley of Grand Isle, Turner of Milton, Valliere of Barre City, Westman of Cambridge, Winters of Swanton, Winters of Williamstown, Wright of Burlington, Young of Orwell and Zuckerman of Burlington offered a House concurrent resolution, entitled

House concurrent resolution honoring Representatives Cola Hudson and Michael Obuchowski, the deans of the House of Representatives;

Whereas, 17 terms of state legislative service have imbued Representatives Cola Hudson of Lyndon and Michael Obuchowski of Rockingham with a special insight into the workings of Vermont's largest representative body, and

Whereas, although they each come from very different backgrounds, Representative Hudson having been raised on his family's farm in Lyndon, and Representative Obuchowski having experienced a village-centered childhood in Bellows Falls, each brought a common desire to serve his constituents honestly, forthrightly, and with the highest degree of integrity, and

Whereas, although their political philosophies differ greatly, these two most senior members of the House always place the best interests of Vermonters center stage in their deliberations in committee and on the floor, and

Whereas, through his tenure on the house committee on government operations, including multiple terms as the committee's chair, Representative Hudson has greatly influenced the architecture of Vermont state government, and he has been an instrumental player in the field of state labor relations, and

Whereas, Representative Obuchowski, who won his first election at the age of 19, served as chair of the house committees on education, on commerce, and on appropriations, and the joint committee on energy and developed a broad policy expertise that served him well during his three terms as house speaker from 1995 to 2000, and

Whereas, Representative Obuchowski is now serving as chair of the tax-writing committee on ways and means, and

Whereas, both of these veteran and extremely astute state legislators have great respect for the legislature as an institution, and

Whereas, now each in his fourth decade of representing his constituency in the State House, Representatives Cola Hudson and Michael Obuchowski serve as mentors to their more junior colleagues who seek the advice of these esteemed deans of the House, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly is pleased to honor the public service and legislative careers of Representatives Cola Hudson of Lyndon and Michael Obuchowski of Rockingham, the deans of the House of Representatives, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to Representatives Cola Hudson and Michael Obuchowski.

Which was read and adopted.

Message from the Senate No. 43

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

Madam Speaker:

I am directed to inform the House that the Senate has on its part passed Senate bills of the following titles:

S. 142. An act relating to creation of designated growth centers and downtown tax credit program

S. 314. An act relating to early childhood education;

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

Adjournment

At one o'clock and twenty minutes in the afternoon, on motion of **Rep. Flory of Pittsford**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

WEDNESDAY, MARCH 29, 2006

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

Devotional Exercises

Devotional exercises were conducted by Will Danforth of Grafton.

Message from the Senate No. 44

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

Madam Speaker:

I am directed to inform the House that the Senate has on its part passed Senate bill of the following title:

S. 291. An act relating to tax increment financing districts for Milton, South Burlington, and Berlin.

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

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

H. 238. An act relating to minimum service retirement allowance for state employees and teachers.

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 considered a bill originating in the House of the following title:

H. 576. An act relating to a reorganization of the Vermont Department of Labor.

And has passed the same in concurrence.

House Bill Introduced**H. 885**

Reps. Bostic of St. Johnsbury and Clark of St. Johnsbury introduced a bill, entitled

An act relating to amending the charter of the town of St. Johnsbury;
Which was read the first time and referred to the committee on Government Operations.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 142

Senate bill, entitled

An act relating to creation of designated growth centers and downtown tax credit program;

To the committee on Natural Resources and Energy.

S. 314

Senate bill, entitled

An act relating to early childhood education;

To the committee on Education.

Joint Resolution Referred to Committee

J.R.H. 67

Rep. Obuchowski of Rockingham offered a joint resolution, entitled

Joint resolution relating to public sector ownership of industrial wind farms;

Whereas, one of the most-promoted and publicly accepted alternatives to meet the state's imminent need for new electric energy resources is the construction of industrial-scale wind farms, generally defined as four or more wind turbines, with common ownership and control, located in the same general area of the state and with a maximum design capacity of more than 200 kilowatts (AC) each, and

Whereas, although in July 2004, Governor James Douglas issued an executive order establishing a commission on wind energy regulatory policy, the commission's report did not address adequately all of the regulatory and environmental questions that must be answered before the state of Vermont authorizes the construction of large commercial wind farms, but it did recommend that these facilities not be built on state-owned land, and

Whereas, the construction of an industrial-scale wind farm on a mountainous ridgeline would possibly threaten an area's vistas, would possibly

discourage tourists from visiting the state, and might cause local property values to decline, and

Whereas, research has shown that wind turbines that turn on a vertical axis rather than the standard horizontal axis could prove to be more efficient, and, as an added advantage, their smaller profiles pose less of a threat to aviation, and

Whereas, the state's mountain ridgelines and viewsheds belong to the people of Vermont, and if the wind along these ridgelines is to be harnessed for electric energy generation, Vermont should consider the siting and ownership of industrial wind farms by public sector legal entities which would receive and maintain control and ownership of the wind farms, and

Whereas, the conflicting values, economic consequences, and environmental impacts of industrial wind farm construction and operation are extremely significant and merit very careful examination before irreversible decisions with long-term consequences are made, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests the public service board, in consultation with the public service department and other state agencies and departments and the public, to examine the public good issues related to requiring that any industrial wind farm applications filed or to be filed with the board provide for public sector ownership and control, and be it further

Resolved: That the public service board's examination of wind power also examine the possible benefit of requiring industrial wind farms to be equipped with wind turbines that rotate on a vertical axis instead of a horizontal axis, and be it further

Resolved: That the public service board submit a report of its findings to the General Assembly on or before March 1, 2007, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to Public Service Board Chair James Volz and Commissioner of Public Service David O'Brien.

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

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto**

H. 715

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

An act relating to eradication of cervical cancer;

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

Sec. 1. CERVICAL CANCER ERADICATION TASK FORCE

(a) Not later than September 1, 2006, the commissioner of health shall establish a task force to study eradication of cervical cancer in Vermont. The task force shall include:

(1) the commissioner of health or a designee;

(2) the minority health director within the department of health;

(3) the director of the office of Vermont health access or a designee;

(4) the commissioner of banking, insurance, securities, and health care administration or a designee;

(5) the health care ombudsman or a designee;

(6) a representative of the Vermont chapter of the American Cancer Society;

(7) the executive director of the Vermont commission on women or a designee;

(8) a representative of ALANA Community Organization;

(9) a representative of Planned Parenthood of Northern New England;

(10) a representative of the Vermont medical society;

(11) one member of the senate committee on health and welfare appointed by the committee on committees and one member of the house committee on human services appointed by the speaker of the house; and

(12) up to three additional members appointed by the commissioner of health.

(b) The task force shall consider:

(1) public awareness of the causes of cervical cancer, personal risk factors, the value of prevention and early detection, options for testing, treatment costs and health plan reimbursement, and new technologies;

(2) health care providers' awareness about screening and prevention options, recommended protocols and schedules for screening and vaccinations, and new technologies;

(3) recommended testing protocols and schedules for cervical cancer screenings and vaccinations for the human papillomavirus;

(4) issues of cost and insurance and health plan coverage;

(5) potential sources of funding for education, screening, and treatment programs, including governmental and private funding.

(c) The task force shall make findings and recommendations about how to eradicate cervical cancer in Vermont. It shall report those findings and recommendations to the commissioner of health not later than January 15, 2007.

(d) The commissioner of health, on or before February 1, 2007, shall report to the general assembly, the house committee on human services, and the senate committee on health and welfare the findings and recommendations of the task force, what recommendations or actions, if any, the department of health can implement, and what recommendations it makes for legislative action.

(e) For attendance at meetings which are held when the general assembly is not in session, the legislative members of the task force shall be entitled to the same per diem compensation and reimbursement for necessary expenses as those provided to members of standing committees under 2 V.S.A. § 406. All other members shall be entitled to the same per diem compensation and reimbursement for necessary expenses as those provided under 32 V.S.A. § 1010.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Haas of Rochester** moved that the House concur in the Senate proposal of amendment with a further amendment thereto;

In Sec. 1 (e), in the second sentence, before the period, by inserting the words "to be paid from funds appropriated to the Department of Health."

Which was agreed to.

Message from Governor

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

Madam Speaker:

I am directed by the Governor to inform the House that on the twenty-ninth day of March, 2006, he approved and signed a bill originating in the House of the following title:

H. 237 An act realting to emergency contraception

Adjournment

At one o'clock and forty minutes in the afternoon, on motion of Rep. **Sunderland of Rutland Town**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

THURSDAY, MARCH 30, 2006

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

Devotional Exercises

Devotional exercises were conducted by Speaker Gaye Symington of Jericho.

House Bill Introduced

H. 886

Reps. Winters of Williamstown and Kennedy of Chelsea introduced a bill, entitled

An act relating to the merger of the town of Williamstown and the Williamstown Fire District;

Which was read the first time and referred to the committee on Government Operations.

Committee Bill Introduced

H. 887

By the committee on Government Operations,

An act relating to Group D participation in the state employees' defined contribution plan;

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

Committee Bill Introduced

H. 888

By the committee on Fish, Wildlife and Water Resources,

An act relating to sustainable funding of the fish and wildlife department;

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

Senate Bill Referred**S. 291**

Senate bill, entitled

An act relating to tax increment financing districts for Milton, South Burlington and Berlin;

Was taken up, read the first time and referred to the committee on Commerce.

Bill Read Second Time; Third Reading Ordered**H. 884**

Rep. Atkins of Winooski spoke for the committee on Government Operations.

House bill entitled

An act relating to Vermont municipal employees retirement system;

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

Bill Amended; Third Reading Ordered**H. 97**

Rep. Sharpe of Bristol, for the committee on Transportation, to which had been referred House bill, entitled

An act relating to operating with a suspended license and failing to pay penalties for traffic offenses;

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

Sec. 1. 23 V.S.A. § 674(i) is added to read:

(i) A person who violates section 676 of this title for the sixth or subsequent time shall be subject to the penalties set forth in subsection (a) of this section.

Sec. 2. JUDICIAL BUREAU STUDY; MOTOR VEHICLE FINES AND COLLECTION

(a) As an alternative to suspending a driver license, the judicial bureau is directed to examine the motor vehicle fine assessment schedule and collection process and to consider and make recommendations relative to the following:

(1) Incarceration;

(2) Fines and a graduated fine schedule and expanded opportunities for extending the payment period;

(3) Vehicle confiscation;

(4) Amnesty;

(5) Community service;

(6) Small claims court;

(7) Attachment of wages;

(8) Collection agencies; and

(9) Other alternatives to suspending a driver license.

(b) In discharging the requirements of subsection (a) of this section, the judicial bureau shall consult with the department of motor vehicles, the law enforcement community, and the judicial branch of state government.

(c) The judicial bureau shall file a report of its findings and conclusions with the house and senate committees on transportation by January 15, 2006.

Rep. Kainen of Hartford, for the committee on Judiciary, recommended the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 674(i) is added to read:

(i) A person who violates section 676 of this title for the fourth or a subsequent time shall be subject to the penalties set forth in subsection (a) of this section.

Sec. 2. 23 V.S.A. § 2307 is amended to read:

§ 2307. REMEDIES FOR SUSPENSION FOR FAILURE TO PAY

(a) As used in this section:

(1) "Amount due" means all financial assessments contained in a judicial bureau judgment, including penalties, fines, surcharges, court costs, and any other assessment authorized by law.

(2) "Designated credit bureau" means a credit bureau designated by the court administrator or the court administrator's designee.

(3) "Designated collection agency" means a collection agency designated by the court administrator.

(b) Notice of Risk of Suspension. In the case of failure to pay a penalty, the judicial bureau shall mail a notice to the defendant at the address in the

~~complaint notifying the defendant~~ A judgment for a traffic violation shall contain a notice that failure to pay or otherwise satisfy the penalty amount due within 20 days of the notice will result in suspension of the person's operator's license or privilege to operate until the penalty amount due is paid or otherwise satisfied. A copy of the notice shall be sent If the defendant fails to pay the amount due within 20 days of the notice, the judicial bureau shall provide electronic notice thereof to the commissioner of motor vehicles who, after 20 days from the date of receiving the electronic notice, shall suspend the person's operator's license or privilege to operate until the penalty amount due is paid or otherwise satisfied.

(c) Civil Contempt Proceedings. If an amount due remains unpaid for 45 days after the judicial bureau provides the defendant with a notice of risk of suspension pursuant to subsection (b) of this section, the judicial bureau may initiate civil contempt proceedings pursuant to this subsection.

(1) Notice of Hearing. The judicial bureau shall provide notice by first class mail sent to the defendant's last known address that a contempt hearing will be held pursuant to this subsection.

(2) Failure to Appear. If the defendant fails to appear at the contempt hearing, the hearing officer may direct the clerk of the judicial bureau to:

(A) report the matter to one or more designated credit bureaus; or

(B) refer the matter to district court for contempt proceedings.

(3) Hearing. The hearing shall be conducted in a summary manner. The hearing officer shall examine the defendant and any other witnesses, and may require the defendant to produce documents relevant to the defendant's ability to pay the amount due. The state or municipality shall not be a party except with the permission of the hearing officer. The defendant may be represented by counsel at the defendant's own expense.

(4) Mitigation Remedies.

(A) The hearing officer may waive the reinstatement fee required by section 675 of this title or reduce the amount due on the basis of:

(i) the defendant's driving history, ability to pay, or service to the community;

(ii) the collateral consequences of the violation; or

(iii) the interests of justice.

(B) The hearing officer may specify a date by which the defendant shall pay the amount due, and may notify the commissioner of motor vehicles

to conditionally reinstate the defendant's operator's license or privilege subject to payment of the amount due by the specified date. If the defendant fails to pay the amount due by the specified date, the judicial bureau may notify the commissioner to re-suspend the defendant's operator's license or privilege. A license may be reinstated under this subdivision only if the defendant's license is suspended solely for failure to pay a judicial bureau judgment.

(C) The judicial officer shall have sole discretion to determine mitigation remedies pursuant to this subdivision, and the judicial officer's determination shall not be subject to review or appeal in any court, tribunal, or administrative office.

(5) Tax Refund Setoff.

(A) Upon finding the defendant has not paid an amount due, the hearing officer may direct the clerk of the judicial bureau to request a tax refund setoff for the amount due from the department of taxes pursuant to chapter of Title 32. Sections 5936 (hearing procedure) and 5936 (collection assistance fees) of Title 32 shall not apply to tax refund setoffs under this subdivision.

(B) The hearing officer may require the defendant to provide his or her social security number for purposes of requesting a tax refund setoff pursuant to this subdivision. A social security number provided under this subdivision shall not be disclosed to any person other than to the department of taxes for purposes of requesting a tax refund setoff under this subdivision.

(6) Contempt.

(A) The hearing officer may conclude that the defendant is in contempt if the hearing officer makes the following written findings:

(i) The defendant knew or reasonably should have known that he or she owed an amount due on a judicial bureau judgment.

(ii) The defendant had the ability to pay all or any portion of the amount due.

(iii) The defendant failed to pay all or any portion of the amount due.

(B) The hearing officer may in the contempt order do one or more of the following:

(i) Set a date by which the defendant shall pay the amount due.

(ii) Assess an additional penalty not to exceed ten percent of the amount due.

(iii) Direct the clerk of the judicial bureau to report the matter to one or more designated credit bureaus. The court administrator or the court administrator's designee is authorized to contract with one or more credit bureaus for the purpose of reporting information about unpaid judicial bureau judgments.

(iv) Recommend that the district court incarcerate the defendant until the amount due is paid. If incarceration is recommended pursuant to this subdivision, the judicial bureau shall notify the district court that contempt proceedings should be commenced against the defendant. If the defendant cannot afford counsel for the contempt proceedings in district court, the defender general shall assign counsel at state expense.

(d) Collections.

(1) If an amount due remains unpaid for one year after the issuance of a notice of risk of suspension pursuant to subsection (b) of this section and the defendant has failed to appear at a judicial bureau contempt hearing, the court administrator may authorize the clerk of the judicial bureau to refer the matter to a designated collection agency.

(2)(A) The court administrator or the court administrator's designee is authorized to contract with one or more collection agencies for the purpose of collecting unpaid judicial bureau judgments.

(B) The court administrator may authorize a collection agency to settle a judicial bureau judgment for less than the amount due and to retain a portion of the amount collected for its services. The judgment amount shall be reduced in the judicial bureau records to reflect the settlement amount and the fee retained by the collection agency.

Sec. 3. APPROPRIATION

The amount of \$272,000 is appropriated from the general fund to the judiciary department for purposes of funding the contempt hearings in the judicial bureau authorized by section 2307 of Title 23.

Rep. Heath of Westford, for the committee on Appropriations, recommended the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 674(i) is added to read:

(i) A person who violates section 676 of this title for the fourth or a subsequent time shall be subject to the penalties set forth in subsection (a) of this section.

Sec. 2. 23 V.S.A. § 2307 is amended to read:

§ 2307. SUSPENSION REMEDIES FOR FOR FAILURE TO PAY

(a) As used in this section:

(1) “Amount due” means all financial assessments contained in a judicial bureau judgment, including penalties, fines, surcharges, court costs, and any other assessment authorized by law.

(2) “Designated credit bureau” means a credit bureau designated by the court administrator or the court administrator’s designee.

(3) “Designated collection agency” means a collection agency designated by the court administrator.

(b) Notice of risk of suspension. In the case of failure to pay a penalty, the judicial bureau shall mail a notice to the defendant at the address in the complaint notifying the defendant. A judgment for a traffic violation shall contain a notice that failure to pay or otherwise satisfy the penalty amount due within 20 days of the notice will result in suspension of the person’s operator’s license or privilege to operate until the penalty amount due is paid or otherwise satisfied. A copy of the notice shall be sent. If the defendant fails to pay the amount due within 20 days of the notice, the judicial bureau shall provide electronic notice thereof to the commissioner of motor vehicles who, after 20 days from the date of receiving the electronic notice, shall suspend the person’s operator’s license or privilege to operate until the penalty amount due is paid or otherwise satisfied.

(c) Civil contempt proceedings. If an amount due remains unpaid for 45 days after the judicial bureau provides the defendant with a notice of risk of suspension pursuant to subsection (b) of this section, the judicial bureau may initiate civil contempt proceedings pursuant to this subsection.

(1) Notice of hearing. The judicial bureau shall provide notice by first class mail sent to the defendant’s last known address that a contempt hearing will be held pursuant to this subsection and that failure to appear at the contempt hearing may result in the sanctions listed in subsections (c)(2) and (5) of this section.

(2) Failure to appear. If the defendant fails to appear at the contempt hearing, the hearing officer may direct the clerk of the judicial bureau to:

(A) cause the matter to be reported to one or more designated credit bureaus; or

(B) refer the matter to district court for contempt proceedings.

(3) Hearing. The hearing shall be conducted in a summary manner. The hearing officer shall examine the defendant and any other witnesses, and may require the defendant to produce documents relevant to the defendant's ability to pay the amount due. The state or municipality shall not be a party except with the permission of the hearing officer. The defendant may be represented by counsel at the defendant's own expense.

(4) Mitigation Remedies.

(A) The hearing officer may waive the reinstatement fee required by section 675 of this title or reduce the amount due on the basis of:

(i) the defendant's driving history, ability to pay, or service to the community;

(ii) the collateral consequences of the violation; or

(iii) the interests of justice.

(B) The hearing officer may specify a date by which the defendant shall pay the amount due, and may notify the commissioner of motor vehicles to reinstate the defendant's operator's license or privilege subject to payment of the amount due by the specified date. If the defendant fails to pay the amount due by the specified date, the judicial bureau may notify the commissioner to suspend the defendant's operator's license or privilege. A license may be reinstated under this subdivision only if the defendant's license is suspended solely for failure to pay a judicial bureau judgment.

(C) The judicial officer shall have sole discretion to determine mitigation remedies pursuant to this subdivision, and the judicial officer's determination shall not be subject to review or appeal in any court, tribunal, or administrative office.

(5) Contempt.

(A) The hearing officer may conclude that the defendant is in contempt if the hearing officer states in written findings a factual basis for concluding that:

(i) The defendant knew or reasonably should have known that he or she owed an amount due on a judicial bureau judgment;

(ii) The defendant had the ability to pay all or any portion of the amount due; and

(iii) The defendant failed to pay all or any portion of the amount due.

(B) The hearing officer may in the contempt order do one or more of the following:

(i) Set a date by which the defendant shall pay the amount due;

(ii) Assess an additional penalty not to exceed ten percent of the amount due;

(iii) Direct the clerk of the judicial bureau to cause the matter to be reported to one or more designated credit bureaus. The court administrator or the court administrator's designee is authorized to contract with one or more credit bureaus for the purpose of reporting information about unpaid judicial bureau judgments; and.

(iv) Recommend that the district court incarcerate the defendant until the amount due is paid. If incarceration is recommended pursuant to this subdivision, the judicial bureau shall notify the district court that contempt proceedings should be commenced against the defendant. If the defendant cannot afford counsel for the contempt proceedings in district court, the defender general shall assign counsel at the defender general's expense.

(d) Collections.

(1) If an amount due remains unpaid for one year after the issuance of a notice of risk of suspension pursuant to subsection (b) of this section and the defendant has failed to appear at a judicial bureau contempt hearing, the court administrator may authorize the clerk of the judicial bureau to refer the matter to a designated collection agency.

(2)(A) The court administrator or the court administrator's designee is authorized to contract with one or more collection agencies for the purpose of collecting unpaid judicial bureau judgments.

(B) The court administrator may authorize a collection agency to settle a judicial bureau judgment for less than the amount due and to retain a portion of the amount collected for its services. The judgment amount shall be reduced in the judicial bureau records to reflect the settlement amount and the fee retained by the collection agency.

(e) For purposes of civil contempt proceedings, venue shall be statewide.

(f) Notwithstanding 32 V.S.A. § 502, the court administrator is authorized to contract with a third party to collect fines, penalties, and fees by credit card, debit card, charge card, prepaid card, stored value card and direct bank account withdrawals or transfers, as authorized by 32 V.S.A. § 583, and to add on and collect a processing charge in an amount approved by the court administrator.

Sec. 3. 32 V.S.A. § 5932(8) and (9) are added to read:

(8) "Court" means a superior court, district court, or the judicial bureau.

(9) "Judgment debtor" means any person who has not paid in full a court judgment for payment of a fine, penalty, surcharge, or fee due and payable to the state or a political subdivision thereof.

Sec. 4. 32 V.S.A. § 5941 is added to read:

§ 5941. PROCEDURE FOR SETOFF OF COURT JUDGMENTS

(a) The court shall include in any judgment a notice that any unpaid amounts shall be certified to the department for a set off on the judgment debtor's income tax refund, and the notice shall explain how the judgment debtor may challenge the certification.

(b) Sections 5934(c) and 5936 of this title, relating to the procedure for contesting the debt, shall not apply to a court seeking information from a judgment debtor.

(c) Notwithstanding section 502 of this title, the department may assess against the judgment debtor a collection assistance fee in an amount established pursuant to section 5938 of this title.

(d) If a judgment debtor identified by the court clerk is entitled to a refund, the department shall retain the collection assistance fee and then transfer to the court in which the judgment was issued an amount equal to the refund owed or the amount unpaid, whichever is less.

Sec. 5. ESTABLISHMENT OF POSITION

One permanent position – Collections Manager – is established within the Judiciary.

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

Thereupon, **Rep. Sharpe of Bristol** withdrew the recommendation of amendment offered by the committee on Transportation and **Rep. Kainen of Hartford** withdrew the recommendation of amendment offered by the committee on Judiciary.

Pending the question, Shall the House amend the bill as recommended by the committee on Appropriations? **Rep. Heath of Westford** moved to amend the recommendation of amendment offered by the committee on Appropriations as follows:

In Sec. 2, §2307 (c)(1), by striking the words "subsections (c)(2) and (5) of this section" and by inserting in lieu thereof the words subsection (c) (2) of this section and subject to procedures for tax setoffs under 32 V.S.A. §5941.

Which was agreed to.

Thereupon, the recommendation of amendment offered by the committee on Appropriations, as amended, was agreed to and third reading was ordered.

Message from the Senate No. 45

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

Madam Speaker:

I am directed to inform the House that the Senate has considered a bill originating in the House of the following title:

H. 630. An act relating to teaching about signs of and responses to depression and risk of suicide in public schools.

H. 864. An act relating to capital construction and state bonding.

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

The Senate has on its part adopted a joint resolution of the following title:

J.R.S. 62. Joint resolution relating to weekend adjournment.

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

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

J.R.H. 57. Joint resolution opposing the implementation of the proposed rules under the Western Hemisphere Travel Initiative.

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

Bill Amended; Third Reading Ordered

H. 310

Rep. Condon of Colchester, for the committee on Commerce, to which had been referred House bill, entitled

An act relating to employee ownership of businesses;

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

Sec. 1. FINDINGS

The General Assembly of Vermont finds:

(1) Employee ownership of businesses promotes job growth, provides job protection, and maintains local ownership of businesses. Employee-owned companies tend to provide superior employee benefits, including health care. As with home ownership, employee ownership provides an effective way for working people to build wealth.

(2) Employee ownership can provide an excellent means for small business owners to transition ownership when they are ready to retire. The continuation of these businesses is in the economic interest of Vermont and assures that employees continue to use their skills productively, and that the state benefits from the continued tax revenues generated from the business and the jobs.

(3) Employee buyouts of plants scheduled for closure will preserve jobs that would otherwise be lost or moved out of state.

(4) Employee ownership coupled with employee participation has proven to be a combination that improves productivity and overall workplace quality, thereby creating companies that are better able to compete in the global economy.

(5) The United States government provides substantial support for employee ownership by offering beneficial tax treatment to Employee Stock Ownership Plans and worker cooperatives. Enhanced state support for employee ownership can bring the benefits of more employee ownership to Vermont and further leverage federal support.

Sec. 2. VERMONT STATE TREASURER; STUDY

The Vermont treasurer shall, in continuation of the study entitled "A Survey of Economically Targeted Investments: Opportunities for Public Pension Funds," study how the state can responsibly invest a portion of state pension funds in employee ownership.

Sec. 3. 10 V.S.A. § 263(g) is added to read:

(g) The authority shall give preference to projects involving loans to employee-owned businesses, to businesses that are becoming employee-owned through the purchase of stock or business assets, and to start-up businesses that will be owned by substantially all of the employees.

Sec. 4. APPROPRIATION

The sum of \$25,000.00 is appropriated from the general fund in 2007 to the Vermont Employee Ownership Center.

Rep. Bostic of St. Johnsbury, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Commerce and when further amended as follows:

By striking Sec. 4 in its entirety.

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

Thereupon, the recommendation of amendment offered by the committee on Appropriations was agreed to and the recommendation of amendment offered by the committee on Commerce, as amended, was agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 22

Rep. Keogh of Burlington, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to off-label use of prescription drugs for cancer;

Recommended that the House propose to the Senate to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. chapter 107, subchapter 9 is added to read:

Subchapter 9. Off-Label Use of Prescription Drugs for Cancer

§ 4100e. REQUIRED COVERAGE FOR OFF-LABEL USE

(a) A health insurance plan that provides coverage for prescription drugs shall provide coverage for off-label use in cancer treatment in accordance with the following:

(1) A health insurance plan contract may not exclude coverage for any drug used for the treatment of cancer on grounds that the drug has not been approved by the federal Food and Drug Administration, provided the use of the drug is a medically accepted indication for the treatment of cancer.

(2) Coverage of a drug required by this section also includes medically necessary services associated with the administration of the drug.

(3) This section shall not be construed to require coverage for a drug when the federal Food and Drug Administration has determined its use to be contraindicated for treatment of the current indication.

(4) A drug use that is covered under subdivision (1) of this subsection may not be denied coverage based on a "medical necessity" requirement except for a reason unrelated to the legal status of the drug use.

(5) A health insurance plan contract that provides coverage of a drug as required by this section may contain provisions for maximum benefits and coinsurance and reasonable limitations, deductibles, and exclusions to the same extent these provisions are applicable to coverage of all prescription drugs and are not inconsistent with the requirements of this section.

(b) As used in this section, the following terms have the following meanings:

(1) "Health insurance plan" means a health benefit plan offered, administered, or issued by a health insurer doing business in Vermont.

(2) "Health insurer" is defined by subdivision 9402(9) of Title 18. As used in this subchapter, the term includes the state of Vermont and any agent or instrumentality of the state that offers, administers, or provides financial support to state government, including Medicaid, the Vermont health access plan, the VScript pharmaceutical assistance program, or any other public health care assistance program.

(3) "Medically accepted indication" includes any use of a drug that has been approved by the federal Food and Drug Administration and includes another use of the drug if that use is prescribed by the insured's treating oncologist and supported by medical or scientific evidence. For purposes of this subchapter, "medical or scientific evidence" means one or more of the following sources:

(A) peer-reviewed scientific studies published in or accepted for publication by medical journals that meet nationally recognized requirements for scientific manuscripts and that submit most of their published articles for review by experts who are not part of the editorial staff.

(B) peer-reviewed literature, biomedical compendia, and other medical literature that meet the criteria of the National Institutes of Health's National Library of Medicine for indexing in Index Medicus, Excerpta Medicus (EMBASE), Medline, and MEDLARS database Health Services Technology Assessment Research (HSTAR).

(C) medical journals recognized by the federal Secretary of Health and Human Services, under Section 1861(t)(2) of the federal Social Security Act.

(D) the following standard reference compendia: the American Hospital Formulary Service-Drug Information, the American Medical Association Drug Evaluation, and the United States Pharmacopoeia-Drug Information.

(E) findings, studies, or research conducted by or under the auspices of federal government agencies and nationally recognized federal research institutes, including the Agency for Health Care Policy and Research, National Institutes of Health, National Cancer Institute, National Academy of Sciences, Center for Medicare and Medicaid Services, and any national board recognized by the National Institutes of Health for the purpose of evaluating the medical value of health services.

(F) peer-reviewed abstracts accepted for presentation at major medical association meetings.

(4) "Off-label use" means the prescription and use of drugs for medically accepted indications other than those stated in the labeling approved by the federal Food and Drug Administration.

(c) A determination by a health insurer that an off-label use of a prescription drug under this section is not a medically accepted indication supported by medical or scientific evidence is eligible for review under section 4089f of this title.

Sec. 2. 8 V.S.A. § 4089f(b)(3) is amended to read:

(b) An insured who has exhausted all applicable internal review procedures provided by the health benefit plan shall have the right to an independent external review of a decision under a health benefit plan to deny, reduce or terminate health care coverage or to deny payment for a health care service. The independent review shall be available when requested in writing by the affected insured, provided the decision to be reviewed requires the plan to expend at least \$100.00 for the service and the decision by the plan is based on one of the following reasons:

* * *

(3) The health care treatment has been determined to be experimental, investigational or an off-label drug. A health benefit plan that denies use of a prescription drug for the treatment of cancer as not medically necessary or as an experimental or investigational use shall treat any internal appeal of such

denial as an emergency or urgent appeal, and shall decide such appeal within the time frames applicable to emergency and urgent internal appeals under regulations adopted by the commissioner.

Sec. 3. APPLICATION

(a) Sec. 1 of this act shall apply to all health insurance plans issued or offered on and after October 1, 2006 and to all other health insurance plans on and after October 1, 2006 upon renewal or their anniversary date, whichever is sooner, but in no event later than October 31, 2007.

(b) Sec. 2 of this act is intended to clarify existing administrative regulations and shall apply to all appeals subject to 8 V.S.A. § 4089f (independent external review of health care service decisions) pending on and after the effective date of this act.

***** Wholesale Drug Distributors: Accreditation; Pedigrees *****

Sec. 4. 26 V.S.A. § 2068 is amended to read:

§ 2068. REQUIREMENTS; APPLICANTS; LICENSES

An applicant shall satisfy the board that it has, and licensees shall maintain, the following:

(10) Compliance with standards and procedures which the board shall adopt by rule concerning provisions for initial and periodic on-site inspections, criminal and financial background checks, ongoing monitoring, reciprocity for out-of-state wholesale drug distributors inspected by a third party organization recognized by the board or inspected and licensed by a state licensing authority with legal standards for licensure that are comparable to the standards adopted by the board pursuant to this subdivision, protection of a wholesale drug distributor's proprietary information; and any other requirements consistent with the purposes of this subdivision. The board rules may recognize third party accreditation in satisfaction of some or all of the requirements of this subdivision.

Sec. 5. ELECTRONIC PEDIGREE STUDY

The board of pharmacy shall study the feasibility of an electronic pedigree system that would verify the chain of distribution for all prescription drugs. The board shall report its findings and recommendations to the general assembly not later than January 15, 2007. The study shall include consultation with drug manufacturers, wholesale drug distributors, and pharmacies responsible for the sale and distribution of prescription drugs and consideration

of any relevant national standards or initiatives. The board shall include a proposed implementation date in the study.

*** * * Drug and Medical Supply Repository Program: Study * * ***

Sec. 6. DRUG AND MEDICAL SUPPLY REPOSITORY STUDY

The department of health, in consultation with the office of Vermont health access, the board of pharmacy, the department of disabilities, aging, and independent living, and the board of medical practice, shall study the feasibility of creating a repository program through which licensed facilities, wholesale drug distributors, and drug manufacturers can donate unused, unopened prescription drugs and medical supplies to pharmacies, hospitals, and clinics in order to dispense such drugs and supplies, for only a handling fee, to persons who are income-eligible or uninsured. The study shall include findings and recommendations concerning the cost the department would incur in creating and overseeing such a program, including any costs related to consultation with experts, the benefits of a repository program, and any other standards or procedures necessary for the development and implementation of the program. The department of health shall report its findings and recommendations to the general assembly not later than January 15, 2007.

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

Adjournment

At two o'clock and fifty minutes in the afternoon, on motion of Rep. **Sunderland of Rutland Town**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

FRIDAY, MARCH 31, 2006

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

Devotional Exercises

Devotional exercises were conducted by Reverend Connie C. Moser from the Ascutney Union Church, Ascutney, 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:

Gabriel Calza-Everett of Montpelier

Noah Comen of Middlesex

Olivia L. Dunsmore of St. Albans

Arantha Farrow of Rutland

Renee Garand of Barre

Anthony J. Kryzak of Jeffersonville

Addie Peterson of Williston

Daniel Rowe of Northfield

Rosemary Grace Sapienza of Bristol

Abigail Volmer of Craftsbury

Bill Referred to Committee on Ways and Means

H. 883

House bill, entitled

An act relating to amending the charter of the city of Burlington;

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

Bill Referred to Committee on Appropriations

H. 888

House bill, entitled

An act relating to sustainable funding of the fish and wildlife department;

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

Bill Referred to Committee on Ways and Means

S. 127

Senate bill, entitled

An act relating to Vermont Housing Finance Agency;

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

Joint Resolution Adopted in Concurrence

J.R.S. 62

Joint resolution, entitled

Joint resolution relating to weekend adjournment;

By Senator Mazza,

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 31, 2006, it be to meet again no later than Tuesday, April 4, 2006.

Was taken up read and adopted in concurrence.

Remarks Journalized

On motion of **Rep. Clark of Vergennes**, the following remarks by **Rep. Morrissey of Bennington** were ordered printed in the Journal:

“Madam Speaker:

On behalf of Rep. Parent, Rep. Houston and myself, it is with extreme honor, and yes with some sadness, that I introduce to you and this assembly for the very last time in the Vermont State House, a woman who has served our fine men and women of the National Guard, their families, our State of Vermont and our nation with great distinction, honor and pride.

In 1997, during my freshman year, here at the State House, she was elected by that assembly, Vermont’s first woman Adjutant. General. We knew that she would admirably lead as well as serve side by side with her guard family and indeed she has.

On this day, I hope you will join me in honoring and thanking this amazing woman, for her outstanding leadership, her dedication to serve and for the distinct difference, as well as accomplishments that she has made within that position over the past nine years.

Members from the military present today are Brigadier General Michael Dubie, Captain Jeffrey Roosevelt, Command Sergeant Major Michael Dattilio and Lt. Veronica Saffo. Also present is the Vermont Joint Forces Color Guard, Sgt. First Class Frank Bell of the U. S. Army, Staff Sergeant Bradley of the Air Guard, Sergeant George Viegge of the U. S. Army and Staff Sergeant Adrienne Masterson of the Air Guard.

Madame Speaker, it is a privilege to present to you and this body, Adjutant General, Martha Rainville.”

Action on Bill Postponed**H. 678**

House bill, entitled

An act relating to the department of banking, insurance, securities, and health care administration;

Was taken up and pending question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Kitzmiller of Montpelier**, action on the bill was postponed until Friday, April 7, 2006.

Third Reading; Bills Passed

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

H. 97

House bill, entitled

An act relating to operating with a suspended license and failing to pay penalties for traffic offenses;

H. 310

House bill, entitled

An act relating to employee ownership of businesses;

H. 884

House bill, entitled

An act relating to Vermont municipal employees retirement system.

Third Reading; Bill Passed in Concurrence With Proposal of Amendment

S. 22

Senate bill, entitled

An act relating to off-label use of prescription drugs for cancer;

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

Bill Amended; Third Reading Ordered

H. 602

Rep. Dunsmore of Georgia, for the committee on Agriculture, to which had been referred House bill, entitled

An act relating to agricultural food processing and fuel production;

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

Sec. 1. 6 V.S.A. § 4710(g) is amended to read:

(g)(1) The agricultural economic development special account is established as a dedicated sub-account of the Vermont farm viability

enhancement program special fund. There shall be deposited in such account any monies:

(A) Appropriated by the general assembly to the account; and

(B) Received by the state or the secretary of agriculture, food and markets from any source, public or private, for use for any of the purposes for which the account was established.

(2) The fund shall only be used for the purposes of:

(A) Encouraging private investment in the economic initiative; and

(B) Providing incentives for technology businesses, determined by the agency of agriculture, food and markets to provide critical technological solutions, for the growth of Vermont's agricultural economy.

(3) Assistance from the agricultural economic development special account shall be available for:

(A) Business and technical assistance for research and planning to aid a farmer or a group of farmers in developing business enterprises that harvest biomass, convert biomass to energy, or produce biofuel;

(B) Implementation assistance to leverage other sources of capital to assist a farmer or group of farmers in purchasing equipment, technology, or other assistance to produce agricultural energy, harvest biomass, or convert biomass into energy; and

(C) Business, technical, and implementation assistance to persons that are not farmers for the development and implementation of technology or development of facilities designed to produce agricultural energy, harvest biomass, convert biomass into energy, provided that the person is creating an enterprise that utilizes Vermont resources and provides Vermont a significant return on investment and meets any financial and technical criteria established by the secretary by procedure.

Sec. 2. AGRICULTURAL BIOFUEL PRODUCTION REFERENCE WEBSITE

On or before January 31, 2007, the agency of agriculture, food and markets shall create and maintain an internet website to serve as a basic reference guide for Vermont farmers seeking to invest in and develop energy production on a farm.

Sec. 3. APPROPRIATION

(a) The amount of \$300,000.00 is appropriated to the agency of agriculture, food and markets for the purpose of awarding farm viability grants under Sec. 1 of this act.

(b) The amount of \$30,000.00 is appropriated to the agency of agriculture, food and markets for the preparation of the biofuel production reference website required by Sec. 2 of this act.

and upon passage, the title of the bill shall be amended to read:

AN ACT RELATING TO AGRICULTURAL ENERGY AND FUEL PRODUCTION

Rep. Perry of Richford, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Agriculture and when further amended as follows:

By striking Sec. 3 (appropriation) in its entirety.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time

Thereupon, the recommendation of amendment offered by the committee on Appropriations was agreed to and the recommendation of amendment offered by the committee on Agriculture, as amended, was agreed to and third reading was ordered.

Bill Amended; Third Reading Ordered

H. 674

Rep. Pugh of South Burlington, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to health access oversight committee;

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

Sec. 1. 2 V.S.A. chapter 24 is added to read:

CHAPTER 24. HEALTH ACCESS OVERSIGHT COMMITTEE

§ 851. CREATION OF COMMITTEE

(a) A legislative health access oversight committee is created. The committee shall be appointed biennially and consist of ten members: five members of the house appointed by the speaker, not all from the same political party, and five members of the senate appointed by the senate committee on committees, not all from the same political party. The house appointees shall include two members from the house committee on human services, two

members from the house committee on health care, and one member from the house committee on appropriations. The senate appointees shall include three members from the senate committee on health and welfare, one member from the senate committee on finance, and one member from the senate committee on appropriations.

(b) The committee may adopt rules of procedure to carry out its duties.

§ 852. FUNCTIONS AND DUTIES

(a) The health access oversight committee shall carry on a continuing review of the operation of the Medicaid program, all Medicaid waiver programs, and other state-operated health programs, except the state employees' health plan, as well as any other health policy issues that may affect the administration and beneficiaries of these programs.

(b) In conducting its review and in order to fulfill its duties, the committee shall consult the following:

(1) Consumers and advocacy groups regarding their satisfaction and complaints.

(2) Health care providers regarding their satisfaction and complaints.

(3) The office of Vermont health access.

(4) The department of banking, insurance, securities, and health care administration.

(5) The agency of human services.

(6) The attorney general.

(7) The health care ombudsman.

(8) The Vermont program for quality in health care.

(9) Any other person or entity as determined by the committee.

(c) The committee shall work with, assist, and advise other committees of the general assembly, members of the executive branch, and the public on matters relating to the state Medicaid program and other state health care programs. Annually, no later than January 15, the committee shall report to the governor and the general assembly.

§ 853. MEETINGS AND STAFF SUPPORT

(a) The committee may meet during a session of the general assembly at the call of the chair or by a majority of the members of the committee. The

committee may meet during adjournment subject to the approval of the speaker of the house and the president pro tempore of the senate.

(b) For attendance at meetings which are held when the general assembly is not in session, the members of the committee shall be entitled to the same per diem compensation and reimbursement for necessary expenses as those provided to members of standing committees under section 406 of this title.

(c) The staff of the legislative council and the joint fiscal office shall provide professional and administrative support to the committee. The department of banking, insurance, securities, and health care administration, the agency of human services, and other agencies of the state shall provide information, assistance, and support upon request of the committee.

Sec. 2. TRANSITIONAL PROVISIONS

On the effective date of this act, Sec. 13 of No. 14 of the Acts of 1995 (creation of health access oversight committee) is repealed.

Sec. 3. STATUTORY REVISION

The legislative council shall make technical revisions to the statutory citations and references to the health access oversight committee in the Vermont Statutes Annotated.

Rep. Larson of Burlington, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Human Services.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Human Services and Appropriations agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 708

Rep. Edwards of Brattleboro, for the committee on Natural Resources and Energy, to which had been referred House bill, entitled

An act relating to providing that junkyards shall be regulated by the secretary of natural resources instead of the agency of transportation;

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

Sec. 1. TRANSFER OF JURISDICTION OVER JUNKYARDS

By no later than January 15, 2007, the secretary of natural resources shall present to the legislative committees on natural resources and energy draft

legislation and budgetary recommendations required to transfer to the agency of natural resources jurisdiction over junkyards that are currently regulated by the agency of transportation under 24 V.S.A. chapter 61, subchapter 10.

Rep. Nitka of Ludlow, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Natural Resources and Energy.

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

Pending the question, Shall the House amend the bill as recommended by the committees on Natural Resources and Energy and Appropriations? **Reps. Helm of Castleton and Perry of Richford** moved to substitute an amendment for that offered by the committee on Natural Resources and Energy and Appropriations, as follows:

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

Sec. 1. TRANSFER OF JURISDICTION OVER JUNKYARDS

(a) By no later than January 15, 2007, the secretary of natural resources shall present to the legislative committees on natural resources and energy draft legislation and budgetary recommendations required to transfer to the agency of natural resources jurisdiction over junkyards that are currently regulated by the agency of transportation under 24 V.S.A. chapter 61, subchapter 10.

(b) Any draft legislation proposed, or an accompanying report, shall include, but not be limited to, the following:

(1) a listing of all environmental pollutants that the agency of natural resources will be seeking to regulate, and the anticipated or expected remedial solutions for regulation or treatment of these pollutants;

(2) storm water runoff requirements for salvage yards;

(3) a recommendation for treatment of unlicensed salvage yards; and

(4) provisions for the re-identification and detailed description of junkyards and salvage yards.

Which was agreed to.

Thereupon, the recommendation of amendment offered by **Reps. Helm of Castleton and Perry of Richford**, was agreed to and third reading ordered.

Bill Amended; Third Reading Ordered**H. 791**

Rep. Canfield of Fair Haven, for the committee on Natural Resources and Energy, to which had been referred House bill, entitled

An act relating to allocation of funds from the solid waste management assistance account of the waste management assistance fund to the environmental contingency fund;

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

Sec. 1. 10 V.S.A. § 1283(b) is amended to read:

(b) Disbursements under this subsection may be made for emergency purposes or to respond to other than emergency situations; provided, however, that disbursements in response to an individual situation which is not an emergency situation shall not exceed \$100,000.00 for costs attributable to each of the subdivisions of this subsection, unless the secretary has received the approval of the general assembly, or the joint fiscal committee, in case the general assembly is not in session. Furthermore, the balance in the fund shall not be drawn below the amount of \$100,000.00, except in emergency situations. If the balance of the fund becomes insufficient to allow a proper response to one or more emergencies that have occurred, the secretary shall appear before the emergency board, as soon as possible, and shall request that necessary funds be provided. Within these limitations, disbursements from the fund may be made:

* * *

(7) to pay costs of management oversight provided by the state for investigation and cleanup efforts conducted by voluntary responsible parties where those responsible parties have contributed monies to the fund pursuant to a written agreement under subsection (f) of this section;

(8) to pay costs of emergency response operations and equipment in the spill response program;

(9) to pay costs of required capital contributions and operation and maintenance when the remedial or response action was taken pursuant to 42 U.S.C. § 9601 et seq.

Sec. 2. 10 V.S.A. § 6618 is amended to read:

§ 6618. WASTE MANAGEMENT ASSISTANCE FUND

(a) There is hereby created in the state treasury a fund to be known as the waste management assistance fund, to be expended by the secretary of the agency of natural resources. The fund shall have two accounts: one for solid waste management assistance and one for hazardous waste management assistance. The hazardous waste management assistance account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the secretary, the toxics use reduction fees under subsection 6628(j) of this title, and appropriations of the general assembly. In no event shall the amount of the hazardous waste tax which is deposited to the hazardous waste management assistance account exceed 40 percent of the annual tax receipts. The solid waste management assistance account shall consist of the franchise tax on waste facilities assessed under the provisions of ~~32 V.S.A. chapter 151~~, subchapter 13 of chapter 151 of Title 32, and appropriations of the general assembly. All balances in the fund accounts at the end of any fiscal year shall be carried forward and remain a part of the fund accounts, except as provided in subsection (e) of this section. Interest earned by the fund shall be deposited into the appropriate fund account. Disbursements from the fund accounts shall be made by the state treasurer on warrants drawn by the commissioner of finance and management.

(b) The secretary may authorize disbursements from the solid waste management assistance account for the purpose of enhancing solid waste management in the state in accordance with the adopted waste management plan. This includes:

* * *

(9) the secretary shall annually allocate 17 percent of the receipts of this account, based on the projected revenue for that year, for implementation of the plan adopted pursuant to section 6604 of this title and solid waste implementation plans adopted pursuant to section 2202a of Title 24.

* * *

(e) The secretary may allocate funds at the end of the fiscal year from the solid waste management assistance account to the fund, established pursuant to section 1283 of this title, upon a determination that the funds available in the environmental contingency fund are insufficient to meet the state's obligations pursuant to subdivision 1283(b)(9) of this title. Any expenditure of funds transferred shall be restricted to funding the activities specified in subdivision 1283(b)(9) of this title. In no case shall the unencumbered balance of the solid waste account following the transfer authorized under this subsection be less than \$300,000.00.

Sec. 3. ENVIRONMENTAL CONTINGENCY FUND REVENUE RECOMMENDATIONS

On or before January 15, 2007, the report required under 10 V.S.A. § 1283(e) from the secretary of natural resources on the condition of the environmental contingency fund shall include a recommendation of potential funding mechanisms to assure the long-term health of the environmental contingency fund.

Sec. 4. SUNSET

10 V.S.A. §§ 1283(b)(9), 6618(b)(9), and 6618(e) (transfer of solid waste management account funds to the environmental contingency fund) are repealed January 16, 2011.

Rep. Nitka of Ludlow, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Natural Resources and Energy and when further amended as follows:

In Sec. 2, 10 V.S.A. § 6618, (b)(2) be amended to read:

* * *

(2) the costs of assessing existing landfills, and eligible costs for closure and any necessary steps to protect public health at landfills ~~certified or operating after December 31, 1979 and~~ before January 1, 1987, provided those costs are the responsibility of the municipality or solid waste management district requesting assistance. The secretary of natural resources shall adopt by procedure technical and financial criteria for disbursements of funds under this subdivision;

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

Pending the question, Shall the bill be amended as recommended by the committees on Natural Resources and Energy and Appropriations? **Rep. Dowland of Holland** moved that the bill be ordered to lie, which was disagreed to.

Thereupon, the recommendation of amendment offered by the committees on Natural Resources and Energy and Appropriations was agreed to and third reading ordered.

Senate Proposal of Amendment Concurred in With a Further Amendment Thereto

H. 238

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

An act relating to minimum service retirement allowance for the state employees and teachers;

First: In Sec. 1, 3 V.S.A. § 459(f), by striking out "July 1, 2005" and inserting in lieu thereof September 1, 2006

Second: In Sec. 1, 16 V.S.A. § 1937(b)(4), by striking out "July 1, 2005" and inserting in lieu thereof September 1, 2006

Third: By adding Secs. 3 - 6 as follows:

Sec. 3. 3 V.S.A. § 477a(a) is amended to read:

(a) Any member who has rendered 15 years of creditable service and who has, prior to becoming a member of the system, served a minimum of one full year of full-time service in the military or one full year of full-time service as a member of the Cadet Nurse Corps in World War II, the Peace Corps, or VISTA for which the member has derived no military pension benefits, may elect to have included in the member's creditable service all or any part of the member's military, Cadet Nurse Corps, Peace Corps, or VISTA service not exceeding five years. Any member who so elects shall deposit in the annuity savings fund by a single contribution the amount or amounts determined by the system's actuary to be cost neutral to the system. Notwithstanding the provisions of this subsection, any member shall, upon application, be granted up to three years of credit for military service during the periods June 25, 1950 through January 31, 1955, February 28, 1961 through August 4, 1964 if service was performed in what is now the Republic of Vietnam, and August 5, 1964 through May 7, 1975 and shall not be required to make a contribution, provided the member has rendered 15 years of creditable service and, prior to becoming a member, served a minimum of one full year of full-time service in the military for which he or she has derived no military pension benefits. The provisions of this subsection shall also be available to state employees who are not members of the classified system and who elect to participate in the defined contribution retirement plan under chapter 16A of this title. Notwithstanding the foregoing, in the event of a conflict between the provisions of this subsection and the provisions of 10 U.S.C. § 12736 concerning the counting of the same full-time military service toward both military and state pensions, the provisions of the United States Code shall control.

Sec. 4. MILITARY SERVICE CREDIT; ONE-TIME MILITARY STIPEND

A beneficiary of the Vermont state retirement system who retired prior to July 1, 2006 and who, prior to retirement, would have been otherwise eligible for credit for military service in what is now the Republic of Vietnam between

February 28, 1961 through August 4, 1964, may apply to the retirement board for a one-time military stipend by December 31, 2006. Upon a determination that the beneficiary was eligible prior to retirement for a grant of military service credit for service under this section, the beneficiary shall be entitled to a stipend of \$500.00 for each year served, up to a maximum of \$1,500.00. The stipend shall be pro-rated for partial years of service.

Sec. 5. 16 V.S.A. § 1944(b)(8) is amended to read:

(8) Any group A or group C member who has rendered 15 years of creditable teaching service and who has, prior to becoming a member of the system, served a minimum of one full year of full-time service in the military, one full year of full-time service as a member of the Cadet Nurse Corps in World War II, the Peace Corps, or VISTA for which the member has derived no military or other pension benefits, may elect to have included in the member's creditable service all or any part of the member's military or Cadet Nurse Corps or Peace Corps or VISTA service not exceeding five years. Any group A member who elects credit under this subdivision shall deposit in the annuity savings fund by a single contribution an amount computed at regular interest to be sufficient to provide at age 60 an annuity equal to one-one hundred and twentieth of the member's average final compensation multiplied by the number of years of he service rendered for which the member elects to receive credit. Any group A member who elects credit for service in the Cadet Nurse Corps under this subdivision and any group C member who elects credit under this subdivision shall deposit in the annuity savings fund by a single contribution an amount computed at regular interest to be sufficient to provide at normal retirement an annuity equal to 1-2/3 percent of the member's average final compensation multiplied by the number of years of the service for which the member elects to receive credit. Notwithstanding the provisions of this subdivision, any group C member who was a group B member and any group A member shall, upon application, be granted up to three years of credit for military service during the periods June 25, 1950 through January 31, 1955, February 28, 1961 through August 4, 1964 if service was performed while in what is now the Republic of Vietnam, and August 5, 1964 through May 7, 1975 and shall not be required to make a contribution, provided the member has rendered 15 years of creditable teaching service and prior to becoming a member served a minimum of one full year of full-time service in the military for which he or she has derived no military pension benefits. Notwithstanding the foregoing, in the event of a conflict between the provisions of this subsection and the provisions of 10 U.S.C. § 12736 concerning the counting of the same full-time military service toward both military and state pensions, the provisions of the United States Code shall control.