

(4) to review and determine anew the amount of a penalty by applying the criteria set forth in ~~subsection 8010(b)~~ subsections 8010(b) and (c) of this title; and

* * *

Fourth: In Sec. 7, by striking “fails to pay an assessed penalty” where it appears in the second sentence of 10 V.S.A. § 8014(b) and inserting “fails to pay a penalty assessed under 10 V.S.A. §§8007(b)(3), 8010(c), or 8012” in lieu thereof

Fifth: In Sec. 10, 10 V.S.A. § 8221(b)(6), by striking “subsection 8010(b)” where it appears and inserting in lieu thereof “8010(b) and (c)”

Sixth: In Sec. 12 by striking “the attorney general and the land use panel” where it appears in the first sentence and inserting “the attorney general, the land use panel, and the department of information and innovation” in lieu thereof

Seventh: By striking Sec. 13 in its entirety and inserting in lieu thereof the following:

Sec. 13. ENVIRONMENTAL ENFORCEMENT OFFICERS

On or before January 1, 2009, the agency of natural resources shall submit to the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy a report that considers whether the commissioner of the department of fish and wildlife should deputize environmental enforcement officers employed by the agency as deputy game wardens. If the agency recommends that environmental enforcement officers should be deputized as deputy game wardens, the agency shall include in its report a plan to execute such recommendation.

Eighth: By striking Sec. 14 in its entirety and inserting in lieu thereof the following:

Sec. 14. AGENCY OF NATURAL RESOURCES REPORT ON IMPLEMENTATION OF PERMITTING POTABLE WATER SUPPLIES AND WASTEWATER SYSTEMS

On or before January 15, 2009, the agency of natural resources shall submit to the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy a status report regarding implementation of the potable water supply and wastewater system permitting program authorized under No. 32 of the Acts of 2007. The report shall include:

(1) The number of persons applying for permits for potable water supplies and wastewater systems;

(2) The number of site visits completed by agency of natural resources personnel to review applications for permits for potable water supplies and wastewater systems; and

(3) The number of and disposition of actions brought by the agency of natural resources to enforce the permit requirements for potable water supplies and wastewater systems.

Which was agreed to.

Pending the third reading of the bill, on motion of Rep. Flory of Pittsford, action on the bill was postponed until the end of the Orders of the Day.

Bill Amended, Read Third Time and Passed

H. 887

House bill, entitled

An act relating to health care reform;

Was taken up and pending third reading of the bill, Rep. Chen of Mendon moved to amend the bill as follows:

By striking Sec. 37(2) in its entirety and inserting in lieu thereof the following:

(2) The sum of \$50,000 is appropriated from the general fund to the department of health and shall be deposited in the loan forgiveness/incentive scholarship fund and used for the purposes of the loan forgiveness program for health care providers through the dental student incentive loan program. Such funds, in addition to monies appropriated for this program elsewhere, shall provide total funding of \$150,000 in fiscal year 2009.

Which was agreed to.

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

First by striking Sec. 12(a)(2) in its entirety and inserting in lieu thereof the following:

(2) The former spouse shall be eligible for coverage pursuant to this section through the member's participation in a group or blanket accident and health insurance policy, while such policy remains in force or is replaced by another group or blanket policy covering the member, until the earliest of the following events occurs:

(A) The three-year anniversary of the final decree of divorce or dissolution or a legal separation;

(B) The remarriage or civil union of the former spouse;

(C) The remarriage or civil union of the member;

(D) The death of the member;

(E) Termination of the member's insurance due to job termination or non-payment of premium;

(F) Eligibility of former spouse for group insurance coverage as a result of employment;

(G) The enrollment of a domestic partner of the member in the member's insurance policy;

(H) Non-payment of premium by either member or former spouse; or

(I) Such earlier time as provided by the final decree of divorce or dissolution or a legal separation.

Second by striking Sec. 13 in its entirety and inserting in lieu thereof the following:

§ 4090i. PAYMENT FOR POST-DIVORCE COVERAGE

Upon a decree of divorce or dissolution or a legal separation, if one spouse is a member of a group health insurance plan and the employer or any other sponsor is responsible for the payment of the premium required by the insurer as the consideration for providing coverage to an ex-spouse, such premium shall be paid to the insurance carrier either by the health insurance plan member, the ex-spouse of the member, or by both the member and the ex-spouse as they shall agree or as shall be ordered in the decree by the court. The provisions of this section shall apply to dental coverage provided by such group health insurance plan and shall apply whether or not the ex-spouse is receiving child support payments. If any aspect of the insurance coverage described in this section is taxable, taxes shall be paid by the insurance plan member, not the employer or other plan sponsor.

Third by striking Sec. 14(e) in its entirety and inserting in lieu thereof the following:

(e) Notwithstanding any other provision of this section, a family health insurance plan shall include the adult children up to the age of 23, so long as the child is unmarried, has no dependents of his or her own, is a resident of the

state of Vermont, and does not have health insurance coverage through any branch of the military or access to group coverage through his or her employment.

(f) If the parent of an adult child described in subsection (e) above is a member of a group health insurance plan and the employer or any other sponsor is responsible for the payment of the premium required by the insurer as the consideration for providing coverage to the adult child, such premium shall be paid to the insurance carrier either by the health insurance plan member or the adult child

(g) If the insurance coverage described in subsection (e) is taxable, taxes shall be paid by the insurance plan member, not the employer or other plan sponsor.

(h) The provisions of this section shall apply to dental coverage provided by such group health insurance plan and shall apply whether or not the ex-spouse is receiving child support payments.

Pending the question, Shall the House amend the bill as recommended by Rep. Scheurermann of Stowe? Rep. Baker of West Rutland 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. Scheurermann of Stowe? was decided in the negative. Yeas, 49. Nays, 95.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Ainsworth of Royalton
Baker of West Rutland
Bostic of St. Johnsbury
Branagan of Georgia
Brennan of Colchester
Canfield of Fair Haven
Clark of Vergennes
Clerkin of Hartford
Crawford of Burke
Devereux of Mount Holly
Donaghy of Poultney
Donahue of Northfield
Errecart of Shelburne
Flory of Pittsford

Grenier of St. Johnsbury
Helm of Castleton
Hube of Londonderry
Johnson of Canaan
Koch of Barre Town
Komline of Dorset
Krawczyk of Bennington
Larocque of Barnet
Larrabee of Danville
Lawrence of Lyndon
Lewis of Derby
Livingston of Manchester
Marcotte of Coventry
McAllister of Highgate
McDonald of Berlin
McFaun of Barre Town

McNeil of Rutland Town
Morley of Barton
Morrissey of Bennington
Myers of Essex
O'Donnell of Vernon
Otterman of Topsham
Oxholm of Vergennes
Peaslee of Guildhall
Scheurermann of Stowe
Turner of Milton
Valliere of Barre City
Westman of Cambridge
Winters of Williamstown
Wright of Burlington

Those who voted in the negative are:

Allard of St. Albans Town
Ancel of Calais

Anderson of Montpelier
Andrews of Rutland City

Aswad of Burlington
Atkins of Winooski

Barnard of Richmond	Head of S. Burlington	Minter of Waterbury
Bissonnette of Winooski	Heath of Westford	Mitchell of Barnard
Botzow of Pownal	Howard of Rutland City	Monti of Barre City
Bray of New Haven	Howrigan of Fairfield	Mook of Bennington
Browning of Arlington	Hunt of Essex	Moran of Wardsboro
Chen of Mendon	Hutchinson of Randolph	Mrowicki of Putney
Cheney of Norwich	Jerman of Essex	Nease of Johnson
Clarkson of Woodstock	Jewett of Ripton	Nuovo of Middlebury
Condon of Colchester	Johnson of South Hero	Obuchowski of Rockingham
Consejo of Sheldon	Keenan of St. Albans City	Ojibway of Hartford
Copeland-Hanzas of Bradford	Keogh of Burlington	Partridge of Windham
Corcoran of Bennington	Kitzmiller of Montpelier	Pearson of Burlington
Courcelle of Rutland City	Klein of East Montpelier	Pellett of Chester
Davis of Washington	Kupersmith of S. Burlington	Peltz of Woodbury
Deen of Westminster	Larson of Burlington	Peterson of Williston
Donovan of Burlington	Lenes of Shelburne	Pillsbury of Brattleboro
Dostis of Waterbury	Leriche of Hardwick	Potter of Clarendon
Edwards of Brattleboro	Lippert of Hinesburg	Randall of Troy
Emmons of Springfield	Lorber of Burlington	Rodgers of Glover
Evans of Essex	Maier of Middlebury	Shand of Weathersfield
Fallar of Tinmouth	Malcolm of Pawlet	Sharpe of Bristol
Fisher of Lincoln	Manwaring of Wilmington	Smith of Morristown
Fitzgerald of St. Albans City	Marek of Newfane	Spengler of Colchester
French of Randolph	Martin, C. of Springfield	Stevens of Shoreham
Gervais of Enosburg	Martin of Wolcott	Sweaney of Windsor
Gilbert of Fairfax	Masland of Thetford	Trombley of Grand Isle
Godin of Milton	McCormack of Rutland City	Weston of Burlington
Grad of Moretown	McCullough of Williston	Wheeler of Derby
Haas of Rochester	Milkey of Brattleboro	Zenie of Colchester
	Miller of Shaftsbury	Zuckerman of Burlington

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

Audette of S. Burlington	Kilmartin of Newport City	Perry of Richford
Frank of Underhill	LaVoie of Swanton	Pugh of S. Burlington
Hosford of Waitsfield	Orr of Charlotte	

Pending the third reading of the bill **Rep. McDonald of Berlin** moved to amend the bill as follows:

First: In subdivision (a)(3) of Sec. 40, 18 V.S.A. § 9418a, by inserting "or" following "health maintenance organization" and by striking ", or a workers' compensation policy of a casualty insurer licensed to do business in Vermont"

Second: In subdivision (a)(2) of Sec. 41, 18 V.S.A. § 9418b, by inserting "or" following "health maintenance organization" and by striking ", or a workers' compensation policy of a casualty insurer licensed to do business in Vermont"

Third: In Sec. 45, by striking “and” following “department of labor” in subdivision (5), striking the period following “health care providers” in subdivision (6) and inserting in lieu thereof “; and”, and adding a subdivision (7) to read:

(7) Uniform claims processing standards for workers' compensation insurers.

Which was agreed to.

Thereupon the bill was read a third time.

Pending the question, Shall the bill pass? **Rep. Morrissey of Bennington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass? was decided in the affirmative. Yeas, 87. Nays, 55.

Those who voted in the affirmative are:

Acinapura of Brandon	Gervais of Enosburg	McCormack of Rutland City
Ancel of Calais	Gilbert of Fairfax	McCullough of Williston
Anderson of Montpelier	Godin of Milton	McFaun of Barre Town
Andrews of Rutland City	Grad of Moretown	Milkey of Brattleboro
Aswad of Burlington	Head of S. Burlington	Miller of Shaftsbury
Atkins of Winooski	Heath of Westford	Minter of Waterbury
Audette of S. Burlington	Howard of Rutland City	Mitchell of Barnard
Barnard of Richmond	Howrigan of Fairfield	Mook of Bennington
Bissonnette of Winooski	Hunt of Essex	Moran of Wardsboro
Bostic of St. Johnsbury	Hutchinson of Randolph	Mrowicki of Putney
Botzow of Pownal	Jerman of Essex	Nease of Johnson
Bray of New Haven	Jewett of Ripton	Nuovo of Middlebury
Browning of Arlington	Johnson of South Hero	Obuchowski of Rockingham
Chen of Mendon	Keenan of St. Albans City	Ojibway of Hartford
Cheney of Norwich	Keogh of Burlington	Partridge of Windham
Clarkson of Woodstock	Kitzmiller of Montpelier	Pellett of Chester
Condon of Colchester	Klein of East Montpelier	Peltz of Woodbury
Consejo of Sheldon	Kupersmith of S. Burlington	Peterson of Williston
Copeland-Hanzas of Bradford	Larson of Burlington	Potter of Clarendon
Courcelle of Rutland City	Lenes of Shelburne	Rodgers of Glover
Deen of Westminster	Leriche of Hardwick	Shand of Weathersfield
Donovan of Burlington	Lippert of Hinesburg	Sharpe of Bristol
Dostis of Waterbury	Lorber of Burlington	Spengler of Colchester
Emmons of Springfield	Maier of Middlebury	Sweaney of Windsor
Evans of Essex	Malcolm of Pawlet	Trombley of Grand Isle
Fallar of Tinmouth	Manwaring of Wilmington	Weston of Burlington
Fisher of Lincoln	Marek of Newfane	Wheeler of Derby
Fitzgerald of St. Albans City	Martin, C. of Springfield	Zenie of Colchester
French of Randolph	Martin of Wolcott	
	Masland of Thetford	

Those who voted in the negative are:

Adams of Hartland	Haas of Rochester	Morrissey of Bennington
Ainsworth of Royalton	Helm of Castleton	Myers of Essex
Allard of St. Albans Town	Hube of Londonderry	O'Donnell of Vernon
Baker of West Rutland	Johnson of Canaan	Otterman of Topsham
Branagan of Georgia	Kilmartin of Newport City	Oxholm of Vergennes
Brennan of Colchester	Koch of Barre Town	Pearson of Burlington
Canfield of Fair Haven	Komline of Dorset	Peaslee of Guildhall
Clark of Vergennes	Krawczyk of Bennington	Pillsbury of Brattleboro
Clerkin of Hartford	Larocque of Barnet	Randall of Troy
Corcoran of Bennington	Larrabee of Danville	Scheuermann of Stowe
Crawford of Burke	Lawrence of Lyndon	Stevens of Shoreham
Davis of Washington	Lewis of Derby	Turner of Milton
Devereux of Mount Holly	Livingston of Manchester	Valliere of Barre City
Donaghy of Poultney	Marcotte of Coventry	Westman of Cambridge
Donahue of Northfield	McAllister of Highgate	Winters of Williamstown
Edwards of Brattleboro	McDonald of Berlin	Wright of Burlington
Errecart of Shelburne	McNeil of Rutland Town	Zuckerman of Burlington
Flory of Pittsford	Monti of Barre City	
Grenier of St. Johnsbury	Morley of Barton	

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

Frank of Underhill	Orr of Charlotte	Smith of Morristown
Hosford of Waitsfield	Perry of Richford	
LaVoie of Swanton	Pugh of S. Burlington	

Message from the Senate No. 47

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. 563. An act relating to the uniform commercial code.

And has passed the same in concurrence.

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

J.R.H. 44. Joint resolution approving the Vermont information technology leaders' (VITL) health information technology plan as required by 22 V.S.A. § 903(g).

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

Rules Suspended; Bill Read Second Time; Consideration Interrupted**H. 891**

On motion of **Rep. Adams of Hartland**, the rules were suspended and House bill, entitled

An act relating to making appropriations for the support of government;

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

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

Rep. Smith of Morristown, for the committee on Ways and Means, to which had been referred the bill, reported in favor of its passage.

Thereupon, the bill was read the second time.

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 minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Consideration Interrupted by Recess**H. 891**

Consideration resumed on House bill, entitled

An act relating to making appropriations for the support of government;

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

First: On page 1, line 6, by striking out "2007" and inserting in lieu thereof "2008"

Second: On page 39, line 4 by striking out the figure "133,008,878" and inserting in lieu thereof the figure "133,758,878" and on line 8 by striking out the figure "8,936,672", and inserting in lieu thereof the figure "8,186,672"

Third: On page 56, lines 8 and 14, by striking out the figure "139,073,290" and inserting in lieu thereof the figure "\$139,081,290", and on line 10, by striking out the figure "177,693" and inserting in lieu thereof the figure "\$185,693"

Fourth: On page 60, lines 6 and 8, by striking out the figure "139,096" and inserting in lieu thereof the figure "\$131,096"

Fifth: On page 91, line 12, by striking out the figure "8,000,000" and inserting in lieu thereof the figure "8,852,658"

Sixth: On page 92, by striking out line 7 in its entirety and inserting a new subsection (c) to read as follows:

(c) Vermont housing finance agency (VHFA) and the Vermont economic development authority (VEDA) per Sec. 5.802(a)(3)

Seventh: On page 93, line 1 by striking out the figure "\$9,783,258" and inserting in lieu thereof the figure "\$14,383,258", and on line 20, by striking out the figure "\$500,000", and on line 21 by striking out the figure "\$5,345,445", and inserting in lieu thereof the figure "\$4,595,445"

Eighth: On page 104, after line 13, by adding a new subsection (b) to read as follows:

(b) Two (2) full time exempt assistant attorney general positions (#047010, #047007) shall be transferred from the department of human resources to the office of the attorney general.

Ninth: On page 108, line 20, by striking out the word "reques" and inserting in lieu thereof "request"

Tenth: In Sec. 5.202, on page 111, by striking out lines 13-21 in their entirety, and on page 112, by striking out lines 1-21 in their entirety, and on page 113, by striking out lines 1-16 and by adding a new subsection (c) to read as follows

(c) The secretary of human services and the office of Vermont health access shall explore the possibility of receiving federal matching funds to maximize its ability to contribute to the health IT-fund established in section 4089k of Title 8.

Eleventh: On page 133, line 12, by striking out the figure "692,000" and inserting in lieu thereof the figure "792,000"

Twelfth: On page 135, after line 8 by inserting a new subsection (c) to read as follows:

(c) Of this general fund appropriation, \$109,000 shall be used as a grant to Dismas House of Vermont, Inc.

Thirteenth: On page 147, line 14 by striking out "2.804" and inserting in lieu thereof 2.803

Fourteenth: On pages 167 and 168 by striking out Sec. 6.017 in its entirety and inserting in lieu thereof a new Sec. 6.017 to read as follows:

Sec. 6.017. 33 V.S.A. § 2073(d)(2) is amended to read:

(2) An individual shall contribute the following base cost-sharing amounts which shall be indexed to the increases established under 42 C.F.R. § 423.104(d)(5)(iv) and then rounded to the nearest dollar amount:

(A) In the case of recipients whose household income is no greater than 150 percent of the federal poverty level, such premium shall be \$17.00 \$13.00 per month or \$156.00 per year in the case of recipients whose household income is no greater than 150 percent of the federal poverty level.

(B) In the case of recipients whose household income is greater than 150 percent of the federal poverty level and no greater than 175 percent of the federal poverty level, the premium shall be \$23.00 \$17.00 per month or \$204.00 per year in the case of recipients whose household income is greater than 150 percent of the federal poverty level and no greater than 175 percent of the federal poverty level.

(C) In the case of recipients whose household income is greater than 175 percent of the federal poverty level and no greater than 225 percent of the federal poverty level, the premium shall be \$50.00 \$35.00 per month or \$420.00 per year in the case of recipients whose household income is greater than 175 percent of the federal poverty level and no greater than 225 percent of the federal poverty level.

Fifteenth: On page 176, after line 13, by inserting a new Sec. 6.023 to read as follows:

Sec. 6.023. 10 V.S.A. § 1 is amended to read:

§ 1. COMMISSION ON THE FUTURE OF ECONOMIC DEVELOPMENT

(a) There is established a commission on the future of economic development to cooperatively plan the free enterprise economy of Vermont. The commission is established by the legislature for the purpose of fostering cooperative planning in recognition that the economy of the state will be stronger with a consensus on common goals and directives and with an approach that builds on the unique strengths and challenges of doing business in Vermont.

(b) The commission shall consist of 12 voting members. The governor shall appoint five members, including a chair of the commission; the speaker of the house shall appoint one member, who shall be a member of the house of representatives; and the committee on committees shall appoint one member, who shall be a member of the senate. The speaker of the house and the president pro tempore of the senate shall jointly appoint two members who are not legislators. The Vermont labor council shall appoint one member

representing labor; the Vermont association of nonprofit organizations shall appoint one member representing nonprofit organizations, and the governor shall appoint a self-employed person. In addition, the secretary of commerce and community development and the executive director of the economic incentive review board shall serve as ex officio nonvoting members.

(b) (c) The first commission shall serve a term from the date of appointment through June 30, 2012, ~~and beginning July 1, 2012, appointed commission members shall serve for four year terms. Beginning July 1, 2012, three of the five at large members to be appointed by the governor, and one of the two non-legislative members to be appointed jointly by the speaker of the house and president pro tempore of the Senate, shall serve an initial term of two years. Except for these initial appointments, all appointed members shall serve four year terms, and a member may be reappointed for consecutive terms.~~ Board members shall be entitled to payments for per diem and expenses as provided under section 1010 of Title 32; and legislative members shall be entitled to payments for per diem and expenses as provided in 2 V.S.A. § 406.

(e) (d) On ~~September 15, 2007~~ December 1, 2008, and thereafter, every five years beginning ~~December 1, 2011~~ December 1, 2012, the commission shall report to the senate committee on economic development, housing and general affairs, the senate committee on finance, the house committee on commerce, the house committee on ways and means and the governor a proposed five-year economic development plan for the state of Vermont. The commission may contract with a consultant for purposes of developing the plan, and shall apply to the emergency board for any expenses the commission may incur in its official duties.

(d) (e) The commission shall report to the joint fiscal committee at such times as the committee shall request on the progress of the commission's economic planning.

(e) (f) Each commission's five-year plan shall:

(1) Establish a vision and identify the long-term goals for Vermont economic development and job retention in light of the local and global economic climate and for increasing the well-being of Vermonters and their communities.

(2) Include a meaningful benchmark process that sets economic development goals with an approach that builds on the unique strengths and challenges of doing business in Vermont and measures the state's position relative to those goals.

~~(3) The plan shall identify~~ Identify prioritized criteria by which to evaluate legislative proposals for economic development programs in the coming five years which will best serve the goals of the five-year plan.

(F) (g) In fulfilling its economic development planning responsibilities, the commission shall:

(1) Conduct ~~a planning process~~ planning processes that ~~is~~ are open and inclusive, with broad-based public engagement ensuring participation that is demographically and geographically representative of the state and includes input from a wide range of perspectives, expertise and interests, including the general assembly, state agencies and the administration, regional and local planning and development organizations, municipalities, the private sector, and business organizations, including owners, knowledgeable in the areas of economic interest such as agriculture, social and human services, energy, education, child care, environmental issues, science and technology, arts and culture, transportation, telecommunications, housing, workforce development, and tourism and recreation.

(2) Build a plan by coordinating and considering existing economic development information and strategic plans produced by other organizations and agencies, such as regional economic development strategic plans, comprehensive economic development strategies (CEDS), legislative initiatives, and research and reports by organizations such as the Vermont business roundtable, the Vermont council on rural development, the Vermont technology council, the Vermont sustainable jobs fund, and the University of Vermont.

(3) Include an examination and re-evaluation of the issues critical to encouraging all sizes of business to develop in Vermont, including workforce development, development of higher education institutions, infrastructure development, quality of life issues and tax policy.

(4) Discuss and develop ~~possible working definitions~~ a working definition of the creative economy in the state, identifying and aggregating the creative, artistic, inventive and cultural enterprises, and other new future development sectors of the economy, including media design, sustainable technologies, added value manufacturing, natural resource industries, and environmental technologies, and "green" technologies that comprise part of the state's creative technology and review possible measures and indicators of economic benefit, costs, and contributions to the state from the creative economy sector.

~~(5) Include the development of a meaningful benchmark process that sets economic development goals appropriate for Vermont and measures the state's position relative to those goals.~~

~~(6) Consider and make recommendations to the legislature on any other aspect of economic development that the commission deems appropriate to further the policy statement and goals established in the plan.~~

~~(g)~~ (h) The plan commission on the future of economic development shall also consider:

(1) The cost-effectiveness of targeted business incentive grants and nonmonetary business aid such as permit and regulatory assistance or other assistance and increased development of infrastructure to further the plan's purpose and goals.

(2) Whether targeting incentives to regions of the state with high unemployment, low wages, or other indications of need for economic development and job creation would better advance the long-term plan's purposes and goals.

(3) Whether Vermont tax policies place Vermont businesses at a competitive disadvantage and how best to address these policies and mitigate their effects.

~~(4) The specific needs for development or improvement of transportation and telecommunications systems.~~

~~(5) The types of postsecondary institution expansion of development which would attract research and technology firms.~~

~~(6) The advantages and disadvantages of privatizing all or a portion of economic development functions of the state to further the plan's purposes and goals.~~

Sixteenth: On page 176 after line 17, by adding a new subsection (b) to read as follows:

(b) Sec. 5.101(b) shall take effect June 8, 2008.

Seventeenth: In Sec. 5.110 (Center for Crime Victims Services), by striking subsection (b) in its entirety and in lieu thereof inserting a new subsection (b) to read:

(b) 13 V.S.A. § 5363 (d)(1)(A) is amended to read:

(A) was first ordered by the court to receive restitution ~~on or after July 1, 2004.~~

Eighteenth: In Sec. 5.110 (Center for Crime Victim Studies), in subsection (c), by adding an additional sentence at the end of the subsection to read:

“Additionally, it is the intent of the legislature that in fiscal year 2011 the \$182,215 grant to the department of children and families for the domestic violence unit, the \$150,000 grant to the Vermont network against domestic violence, and the \$100,000 grant to the department of corrections victim’s services be supported with general funds.”

Nineteenth: In Sec. 5.211 (Health- health improvement), by striking subsection (e) in its entirety and in lieu thereof inserting a new subsection (e) to read:

(e) “Of this appropriation, \$100,000 is allocated for the Vermont student assistance corporation for loan forgiveness programs for health care providers through the dental hygienist incentive loan program, the nurse incentive loan program, and the dental student incentive loan program.

Pending the question, Whall the bill be amended as recommended by Rep. Heath of Westford?

Recess

At three o’clock and forty five minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Consideration Resumed; Bill Amended; Consideration Interrupted by Recess

H. 891

Consideration resumed on House bill, entitled

An act relating to making appropriations for the support of government;

Thereupon the recurring question, Shall the bill be amended as recommended by Rep. Heath of Westford? was agreed to.

Pending the question, Shall the bill be read a third time? Rep. O’Donnell of Vernon moved to amend the bill as follows:

First: In Sec. 2.201, page 38, line 12, by striking out the figure “3,546,153” and inserting in lieu thereof the figure 3,576,153 and on line 15, by striking out the figure “4,235,112” and inserting in lieu thereof the figure 4,265,112 and on lines 13 and 20, by striking out the figure “13,527,758” and inserting in lieu thereof the figure 13,557,758

Second: In Sec. 5.201, page 109, after line 19 by adding a new subsection (e) to read as follows:

(e) Of the funds appropriated to the secretary, \$30,000.00 shall be available for the pathways to housing program.

Which was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Donahue of Northfield** moved that the bill be amended as follows:

By striking subsection (b) of Sec. 5.008, subsection (c) of Sec. 5.202, and Secs. 6.021 and 6.022 in their entirety and renumbering the sections of the bill and internal references to be numerically correct

Pending the question, Shall the bill be amended as recommended by Rep. Donahue of Northfield? **Rep. Otterman of Topsham** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Rep. Donahue of Northfield? was decided in the negative. Yeas, 19. Nays, 119.

Those who voted in the affirmative are:

Adams of Hartland	Flory of Pittsford	Livingston of Manchester
Ainsworth of Royalton	Howrigan of Fairfield	Marcotte of Coventry
Clerkin of Hartford	Hube of Londonderry	Ojibway of Hartford
Devereux of Mount Holly	Kilmartin of Newport City	Otterman of Topsham
Donaghy of Poultney	Koch of Barre Town	Turner of Milton
Donahue of Northfield	Larocque of Barnet	
Errecart of Shelburne	Lawrence of Lyndon	

Those who voted in the negative are:

Acinapura of Brandon	Chen of Mendon	Emmons of Springfield
Allard of St. Albans Town	Cheney of Norwich	Evans of Essex
Ancl of Calais	Clark of Vergennes	Fallar of Tinmouth
Anderson of Montpelier	Clarkson of Woodstock	Fisher of Lincoln
Andrews of Rutland City	Condon of Colchester	Frank of Underhill
Atkins of Winooski	Consejo of Sheldon	French of Randolph
Audette of S. Burlington	Copeland-Hanzas	Gervais of Enosburg
Baker of West Rutland	of Bradford	Gilbert of Fairfax
Barnard of Richmond	Corcoran of Bennington	Godin of Milton
Bissonnette of Winooski	Courcelle of Rutland City	Grad of Moretown
Bostic of St. Johnsbury	Crawford of Burke	Grenier of St. Johnsbury
Botzow of Pownal	Davis of Washington	Haas of Rochester
Branagan of Georgia	Deen of Westminster	Head of S. Burlington
Bray of New Haven	Donovan of Burlington	Heath of Westford
Browning of Arlington	Dostis of Waterbury	Helm of Castleton
Canfield of Fair Haven	Edwards of Brattleboro	Howard of Rutland City

Hunt of Essex	Masland of Thetford	Pellett of Chester
Hutchinson of Randolph	McAllister of Highgate	Peltz of Woodbury
Jewett of Ripton	McCormack of Rutland City	Perry of Richford
Johnson of South Hero	McCullough of Williston	Peterson of Williston
Keenan of St. Albans City	McDonald of Berlin	Pillsbury of Brattleboro
Keogh of Burlington	McFaun of Barre Town	Potter of Clarendon
Kitzmiller of Montpelier	McNeil of Rutland Town	Pugh of S. Burlington
Klein of East Montpelier	Milkey of Brattleboro	Randall of Troy
Komline of Dorset	Minter of Waterbury	Rodgers of Glover
Krawczyk of Bennington	Mitchell of Barnard	Scheuermann of Stowe
Kupersmith of S. Burlington	Mook of Bennington	Shand of Weathersfield
Larrabee of Danville	Moran of Wardsboro	Sharpe of Bristol
Larson of Burlington	Morley of Barton	Smith of Morristown
Lenes of Shelburne	Morrissey of Bennington	Spengler of Colchester
Leriche of Hardwick	Mrowicki of Putney	Stevens of Shoreham
Lewis of Derby	Myers of Essex	Sweeney of Windsor
Lippert of Hinesburg	Nease of Johnson	Trombley of Grand Isle
Lorber of Burlington	Nuovo of Middlebury	Valliere of Barre City
Maier of Middlebury	Obuchowski of Rockingham	Westman of Cambridge
Malcolm of Pawlet	O'Donnell of Vernon	Weston of Burlington
Manwaring of Wilmington	Oxholm of Vergennes	Wheeler of Derby
Marek of Newfane	Partridge of Windham	Winters of Williamstown
Martin, C. of Springfield	Pearson of Burlington	Zenie of Colchester
Martin of Wolcott	Peaslee of Guildhall	Zuckerman of Burlington

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

Aswad of Burlington	Jerman of Essex	Monti of Barre City
Brennan of Colchester	Johnson of Canaan	Orr of Charlotte
Fitzgerald of St. Albans City	LaVoie of Swanton	Wright of Burlington
Hosford of Waitsfield	Miller of Shaftsbury	

Pending the question, Shall the bill be read a third time? **Rep. Corcoran of Bennington** moved that the bill be amended as follows:

First: By striking Sec. 2.604 and adding a new Sec. 2.604 to read as follows:

Sec. 2.604. Transportation – Program Development

Personal services	35,192,941
Operating expenses	117,605,490
Grants	<u>23,370,050</u>
Total	176,168,481
Sources of funds	
Transportation fund	28,851,365
Local match	1,476,992

Federal funds	136,328,874
Interdepartmental transfer	3,911,250
General obligation bond fund	<u>5,600,000</u>
Total	176,168,481

Second: By adding a new Sec. 5.605 to read:

Sec. 5.605 Transportation – Program Development (Sec. 2.604)

(a) Of this appropriation, \$2,700,000 in federal funds is contingent upon the state's enactment of a primary seat belt law or the state's satisfaction of other federal requirements regarding average seat belt usage, and further upon congressional appropriations. Such funds are appropriated to the extent they are made available to the state.

Which was agreed to.

Pending the question Shall the bill be read a third time? **Rep. Marcotte of Coventry** moved that the bill be amended as follows:

On page 126, following line 11, by inserting a new Sec. 5.2111 to read:

Sec. 5.2111 Health – Community public health (Sec. 2.216)

(a) Of this appropriation, the amount of \$50,000 shall be expended by the department for lead abatement education. The department is also authorized to solicit and accept grants and donations to be used to supplement the expenditure directed by this subsection.

Which was agreed to.

Pending the question, Shall the bill be read a third time? **Reps. Krawczyk of Bennington, Morrissey of Bennington, Valliere of Barre City, Koch of Barre Town, and McDonald of Berlin** moved to amend the bill as follows:

First: on page 58, in line 17, by striking the figure “523,986” and inserting in lieu thereof the figure “413,986”; in line 18 by striking the figure “1,126,998” and by inserting in lieu thereof the figure “1,016,998”; in line 20, by striking the figure “125,000” and inserting in lieu the figure “15,000”; and on page 59, in line 2, by striking the figure “1,126,998” and by inserting in lieu thereof the figure “1,016,998”.

Second: on page 59, following line 17, by inserting a new Sec. 2.2481 to read:

Sec. 2.2481 Homeless Veterans; Transitional Housing.

The amount of \$110,000 of general funds is appropriated to The Vermont Veterans' Place, Inc., to provide transitional housing for homeless veterans.

Pending the question, Shall the bill be amended as recommended by Reps. Krawczyk of Bennington, et al? Rep. Komline of Dorset demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Reps. Krawczyk of Bennington, et al? was decided in the negative. Yeas, 55. Nays, 82.

Those who voted in the affirmative are:

Adams of Hartland
Allard of St. Albans Town
Anderson of Montpelier
Baker of West Rutland
Barnard of Richmond
Botzow of Pownal
Branagan of Georgia
Canfield of Fair Haven
Clark of Vergennes
Clerkin of Hartford
Condon of Colchester
Consejo of Sheldon
Corcoran of Bennington
Crawford of Burke
Devereux of Mount Holly
Donaghy of Poulitney
Donahue of Northfield
Errcart of Shelburne
Flory of Pittsford

Godin of Milton
Grenier of St. Johnsbury
Howrigan of Fairfield
Hube of Londonderry
Kilmartin of Newport City
Komline of Dorset
Krawczyk of Bennington
Larocque of Barnet
Larrabee of Danville
Lawrence of Lyndon
Lewis of Derby
Livingston of Manchester
Manwaring of Wilmington
Marcotte of Coventry
McAllister of Highgate
McDonald of Berlin
McFaun of Barre Town
McNeil of Rutland Town
Monti of Barre City

Mook of Bennington
Morrissey of Bennington
Myers of Essex
O'Donnell of Vernon
Oxholm of Vergennes
Peaslee of Guildhall
Pellett of Chester
Perry of Richford
Pillsbury of Brattleboro
Scheuermann of Stowe
Spengler of Colchester
Stevens of Shoreham
Valliere of Barre City
Wheeler of Derby
Winters of Williamstown
Wright of Burlington
Zenie of Colchester

Those who voted in the negative are:

Acinapura of Brandon
Ancel of Calais
Andrews of Rutland City
Atkins of Winooski
Audette of S. Burlington
Bissonnette of Winooski
Bostic of St. Johnsbury
Bray of New Haven
Browning of Arlington
Chen of Mendon
Cheney of Norwich
Clarkson of Woodstock
Copeland-Hanzas of
Bradford
Courcelle of Rutland City
Davis of Washington

Deen of Westminster
Donovan of Burlington
Dostis of Waterbury
Edwards of Brattleboro
Emmons of Springfield
Evans of Essex
Fallar of Tinmouth
Fisher of Lincoln
Frank of Underhill
French of Randolph
Gervais of Enosburg
Gilbert of Fairfax
Haas of Rochester
Head of S. Burlington
Heath of Westford
Helm of Castleton

Howard of Rutland City
Hunt of Essex
Hutchinson of Randolph
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City
Keogh of Burlington
Kitzmiller of Montpelier
Klein of East Montpelier
Kupersmith of S. Burlington
Larson of Burlington
Lenes of Shelburne
Leriche of Hardwick
Lippert of Hinesburg
Lorber of Burlington
Maier of Middlebury

Malcolm of Pawlet	Nease of Johnson	Randall of Troy
Marek of Newfane	Nuovo of Middlebury	Rodgers of Glover
Martin, C. of Springfield	Obuchowski of Rockingham	Shand of Weathersfield
Martin of Wolcott	Ojibway of Hartford	Sharpe of Bristol
Masland of Thetford	Orr of Charlotte	Smith of Morristown
McCullough of Williston	Otterman of Topsham	Sweaney of Windsor
Milkey of Brattleboro	Partridge of Windham	Trombley of Grand Isle
Minter of Waterbury	Pearson of Burlington	Turner of Milton
Mitchell of Barnard	Peltz of Woodbury	Westman of Cambridge
Moran of Wardsboro	Peterson of Williston	Weston of Burlington
Morley of Barton	Potter of Clarendon	Zuckerman of Burlington
Mrowicki of Putney	Pugh of S. Burlington	

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

Ainsworth of Royalton	Grad of Moretown	Koch of Barre Town
Aswad of Burlington	Hosford of Waitsfield	LaVoie of Swanton
Brennan of Colchester	Jerman of Essex	McCormack of Rutland City
Fitzgerald of St. Albans City	Johnson of Canaan	Miller of Shaftsbury

Rep. Manwaring of Wilmington explained her vote as follows:

“Madam Speaker:

As we recently marked the loss of 4000 soldiers in Iraq, Vermont remains the state which has lost the most soldiers per capita. While we can’t bring them back, we can help their fellow soldiers who have returned to move into normal life.”

Rep. Zuckerman of Burlington explained his vote as follows:

“Madam Speaker:

It is a false choice between our veterans and court mandated expenditures. We all value and respect our veterans.”

Rep. Marek of Newfane explained his vote as follows:

“Madam Speaker:

Every single member of this House honors our veterans. Members of my family have served our country overseas in 3 centuries and one serves us today. However, this amendment tried to reverse a Vermont court decision on the floor of the House. We can and should find this money elsewhere.”

Rep. Canfield of Fair Haven explained his vote as follows:

“Madam Speaker:

As a matter of legislative priority, I vote yes on this amendment. This money would go to a most notable project to help our homeless veterans who did not hesitate to help and serve our State and our Country."

Recess

At six o'clock and forty-five minutes in the evening, the Speaker declared a recess until eight o'clock and fifteen minutes in the evening.

At eight o'clock and twenty five minutes in the evening, the Speaker called the House to order.

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 891

An act relating to making appropriations for the support of government;

Pending the question, Shall the bill be read a third time? **Reps. Otterman of Topsham, Ancel of Calais, Clark of Vergennes and Obuchowski of Rockingham** moved that the bill be amended as follows:

By adding a new section to be Sec. 5.3021 to read:

Sec. 5.3021. COLLABORATION AMONG SCHOOL BOARDS, SCHOOL ADMINISTRATORS, SELECTBOARDS, AND CITY COUNCILS; INCENTIVE FUND

(a) The general assembly finds that:

(1) School boards, school administrators, selectboards, and city councils in Vermont and around the country have begun to collaborate in creative and exciting ways.

(2) Collaboration often includes projects in which two or more supervisory unions or two or more school districts share or merge services, equipment, or facilities by, for example, entering into an arrangement for whole-grade sharing, centralized purchasing, sharing of facilities, coordinated provision of special education services, or other similar initiatives.

(3) Many of these collaborative projects have resulted in lowered education spending or a reduction in spending growth.

(4) Further efficiencies and resulting cost-savings could be realized if school boards and school administrators entered into collaborative agreements with selectboards and city councils.

(5) It is important to support and encourage collaboration among school boards, school administrators, selectboards, and city councils that will result in

property tax savings without compromising the excellence of our public schools.

(b) The commissioner of education, the Vermont league of cities and towns, the Vermont superintendents association, the Vermont school boards association, the Vermont principals' association, and the Vermont national education association jointly shall develop a detailed plan to create an incentive fund to distribute grants, low-interest loans, no-interest loans, or any combination of the three to encourage collaborative initiatives among school districts, supervisory unions, and local governmental entities that will result in property tax savings. They shall present the plan to the house and senate committees on education, the house committee on ways and means, and the senate committee on finance on or before January 15, 2009.

Which was agreed to.

Thereupon third reading of the bill was ordered.

Bill Amended, Read Third Time and Passed

H. 890

House bill, entitled

An act relating to compensation for certain state employees;

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

First: In Sec. 9, after "earning up to" and before "\$28.85/hour" by inserting "and including"

Second: In Sec. 10, subdivision (a)(1)(C), in the first sentence, by striking "anticipated" and inserting in lieu thereof "excess"

Third: In Sec. 10, subdivision (a)(1)(C), in the second sentence, by striking "funds" and inserting in lieu thereof "fund"

Fourth: In Sec. 10, subdivision (a)(2)(B), after "distribution" and before "the agency of transportation" by inserting "to"

Fifth: In Sec. 10, subdivision (a)(2)(C), in the first sentence, by striking "anticipated" and inserting in lieu thereof "excess"

Sixth: In Sec. 10, subsection (b), by striking "units" and inserting in lieu thereof "unit"

Seventh: In Sec. 10, by adding subsections (d) and (e) as follows:

(d) With due regard to the possible availability of other funds, for fiscal year 2009, the secretary of administration may transfer from the various appropriations and various funds and from the receipts of the liquor control board such sums as the secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by state funds.

(e) This section shall include sufficient funding to ensure administration of exempt attorney pay plans, including deputy state's attorneys and public defenders, subject to the approval of the secretary of administration.

Eighth: In Sec. 12, subdivision (e)(2)(A), by striking "to be"

Which was agreed to.

Thereupon, the bill was read the third time and pending the question, Shall the bill pass? Rep. Komline of Dorset 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, 99. Nays, 37.

Those who voted in the affirmative are:

Ancel of Calais
Anderson of Montpelier
Andrews of Rutland City
Atkins of Winooski
Audette of S. Burlington
Barnard of Richmond
Bissonnette of Winooski
Botzow of Pownal
Branagan of Georgia
Bray of New Haven
Cheney of Norwich
Clarkson of Woodstock
Condon of Colchester
Consejo of Sheldon
Copeland-Hanzas of
Bradford
Corcoran of Bennington
Courcelle of Rutland City
Crawford of Burke
Davis of Washington
Deen of Westminster
Donovan of Burlington
Dostis of Waterbury
Edwards of Brattleboro
Emmons of Springfield
Evans of Essex
Fallar of Tinmouth
Fisher of Lincoln

Frank of Underhill
French of Randolph
Gervais of Enosburg
Gilbert of Fairfax
Godin of Milton
Haas of Rochester
Head of S. Burlington
Heath of Westford
Howard of Rutland City
Howrigan of Fairfield
Hunt of Essex
Hutchinson of Randolph
Jewett of Ripton
Johnson of South Hero
Keogh of Burlington
Kitzmiller of Montpelier
Klein of East Montpelier
Kupersmith of S. Burlington
Larocque of Barnet
Larson of Burlington
Lenes of Shelburne
Leriche of Hardwick
Lewis of Derby
Lippert of Hinesburg
Lorber of Burlington
Maier of Middlebury
Malcolm of Pawlet
Manwaring of Wilmington

Marek of Newfane
Martin, C. of Springfield
Martin of Wolcott
Masland of Thetford
McCormack of Rutland City
McCullough of Williston
McFaun of Barre Town
Milkey of Brattleboro
Miller of Shaftsbury
Minter of Waterbury
Mitchell of Barnard
Monti of Barre City
Mook of Bennington
Moran of Wardsboro
Morley of Barton
Mrowicki of Putney
Nease of Johnson
Nuovo of Middlebury
Obuchowski of Rockingham
Ojibway of Hartford
Orr of Charlotte
Partridge of Windham
Pearson of Burlington
Pellett of Chester
Peltz of Woodbury
Perry of Richford
Peterson of Williston
Pillsbury of Brattleboro

Potter of Clarendon	Smith of Morristown	Weston of Burlington
Pugh of S. Burlington	Spengler of Colchester	Wheeler of Derby
Randall of Troy	Stevens of Shoreham	Zenie of Colchester
Rodgers of Glover	Sweaney of Windsor	Zuckerman of Burlington
Shand of Weathersfield	Trombley of Grand Isle	
Sharpe of Bristol	Westman of Cambridge	

Those who voted in the negative are:

Acinapura of Brandon	Flory of Pittsford	Morrissey of Bennington
Adams of Hartland	Grenier of St. Johnsbury	Myers of Essex
Allard of St. Albans Town	Helm of Castleton	O'Donnell of Vernon
Baker of West Rutland	Hube of Londonderry	Otterman of Topsham
Bostic of St. Johnsbury	Kilmartin of Newport City	Oxholm of Vergennes
Browning of Arlington	Komline of Dorset	Peaslee of Guildhall
Canfield of Fair Haven	Krawczyk of Bennington	Scheuermann of Stowe
Clark of Vergennes	Larrabee of Danville	Turner of Milton
Clerkin of Hartford	Lawrence of Lyndon	Valliere of Barre City
Devereux of Mount Holly	Livingston of Manchester	Winters of Williamstown
Donaghy of Poultney	Marcotte of Coventry	Wright of Burlington
Donahue of Northfield	McAllister of Highgate	
Errecart of Shelburne	McDonald of Berlin	

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

Ainsworth of Royalton	Grad of Moretown	Koch of Barre Town
Aswad of Burlington	Hosford of Waitsfield	LaVoie of Swanton
Brennan of Colchester	Jerman of Essex	McNeil of Rutland Town
Chen of Mendon	Johnson of Canaan	
Fitzgerald of St. Albans City	Keenan of St. Albans City	

Rep. Browning of Arlington explained her vote as follows:

"Madam Speaker:

Why are we giving these raises? Costs are rising and budgets are tight. We are contractually obligated to give raises to collective bargaining units, which would have been done without this bill but we are not obligated to the rest. I voted against giving these raises that we cannot afford, including, apparently, a raise for ourselves."

Rep. Hube of Londonderry explained his vote as follows:

"Madam Speaker:

The median income for a state employee is roughly \$50,000.00 about equal to the Vermont median family income. To ask Vermonters to pay for pay increases of just under 4% each of the next two years is unfair and unreasonable."

Bill Amended, Read Third Time and Passed**H. 711**

House bill, entitled

An act relating to agricultural, forestry and horticultural education;

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

First: In Sec. 3, subsection (a), by striking the words "secondary schools and regional technical centers" and inserting in lieu thereof the following: "secondary schools, regional technical centers, and the community high school of Vermont"

Second: In Sec. 3, subsection (b), in the first sentence, after the words "to the house and senate committees on agriculture and on education" by adding the following: ", the house committee on institutions and corrections, and the senate committee on economic development, housing and general affairs"

Third: In Sec. 3, subsection (b), subdivisions (1), (2), and (3), by striking the words "secondary schools and regional technical centers" wherever they appear and inserting in lieu thereof the following: "secondary schools, regional technical centers, and the community high school of Vermont"

Fourth: In Sec. 3, subsection (d), subdivision (2), after the word "directors" by adding the words "and administrators of the community high school of Vermont"

Which was agreed to.

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

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

H. 685

Consideration resumed on House bill, entitled

An act relating to enforcement of environmental laws;

Thereupon, the bill was read a third time and pending the question, Shall the bill pass? **Rep. Howrigan of Fairfield** 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, 127. Nays, 6.

Those who voted in the affirmative are:

Acinapura of Brandon
 Adams of Hartland
 Ancel of Calais
 Anderson of Montpelier
 Andrews of Rutland City
 Atkins of Winooski
 Audette of S. Burlington
 Barnard of Richmond
 Bissonnette of Winooski
 Bostic of St. Johnsbury
 Botzow of Pownal
 Branagan of Georgia
 Bray of New Haven
 Browning of Arlington
 Canfield of Fair Haven
 Cheney of Norwich
 Clark of Vergennes
 Clarkson of Woodstock
 Clerkin of Hartford
 Condon of Colchester
 Consejo of Sheldon
 Copeland-Hanzas
 of Bradford
 Corcoran of Bennington
 Courcelle of Rutland City
 Crawford of Burke
 Davis of Washington
 Deen of Westminster
 Devereux of Mount Holly
 Donaghy of Poultney
 Donahue of Northfield
 Donovan of Burlington
 Dostis of Waterbury
 Edwards of Brattleboro
 Emmons of Springfield
 Errecart of Shelburne
 Evans of Essex
 Fallar of Tinmouth
 Fisher of Lincoln
 Flory of Pittsford
 Frank of Underhill
 French of Randolph
 Gervais of Enosburg

Gilbert of Fairfax
 Godin of Milton
 Grenier of St. Johnsbury
 Haas of Rochester
 Head of S. Burlington
 Heath of Westford
 Howard of Rutland City
 Hube of Londonderry
 Hunt of Essex
 Hutchinson of Randolph
 Jewett of Ripton
 Johnson of South Hero
 Kilmartin of Newport City
 Kitzmiller of Montpelier
 Klein of East Montpelier
 Krawczyk of Bennington
 Kupersmith of S. Burlington
 Larocque of Barnet
 Larrabee of Danville
 Larson of Burlington
 Lawrence of Lyndon
 Lenes of Shelburne
 Leriche of Hardwick
 Lewis of Derby
 Lippert of Hinesburg
 Livingston of Manchester
 Lorber of Burlington
 Maier of Middlebury
 Malcolm of Pawlet
 Manwaring of Wilmington
 Marcotte of Coventry
 Marek of Newfane
 Martin, C. of Springfield
 Masland of Thetford
 McAllister of Highgate
 McCormack of Rutland City
 McCullough of Williston
 McDonald of Berlin
 McFaun of Barre Town
 Milkey of Brattleboro
 Miller of Shaftsbury
 Minter of Waterbury
 Mitchell of Barnard

Monti of Barre City
 Mook of Bennington
 Moran of Wardsboro
 Morley of Barton
 Morrissey of Bennington
 Mrowicki of Putney
 Myers of Essex
 Nease of Johnson
 Nuovo of Middlebury
 Obuchowski of Rockingham
 O'Donnell of Vernon
 Ojibway of Hartford
 Orr of Charlotte
 Oxholm of Vergennes
 Partridge of Windham
 Pearson of Burlington
 Peaslee of Guildhall
 Pellett of Chester
 Peltz of Woodbury
 Perry of Richford
 Peterson of Williston
 Pillsbury of Brattleboro
 Potter of Clarendon
 Pugh of S. Burlington
 Randall of Troy
 Rodgers of Glover
 Scheuermann of Stowe
 Shand of Weathersfield
 Sharpe of Bristol
 Smith of Morristown
 Spengler of Colchester
 Stevens of Shoreham
 Sweaney of Windsor
 Trombley of Grand Isle
 Valliere of Barre City
 Westman of Cambridge
 Weston of Burlington
 Wheeler of Derby
 Winters of Williamstown
 Wright of Burlington
 Zenie of Colchester
 Zuckerman of Burlington

Those who voted in the negative are:

Allard of St. Albans Town
Baker of West Rutland

Helm of Castleton
Howrigan of Fairfield

Komline of Dorset
Turner of Milton

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

Ainsworth of Royalton
Aswad of Burlington
Brennan of Colchester
Chen of Mendon
Fitzgerald of St. Albans City
Grad of Moretown

Hosford of Waitsfield
Jerman of Essex
Johnson of Canaan
Keenan of St. Albans City
Keogh of Burlington
Koch of Barre Town

LaVoie of Swanton
Martin of Wolcott
McNeil of Rutland Town
Otterman of Topsham

Rep. Klein of East Montpelier explained his vote as follows:

“Madam Speaker:

I vote yes for H. 685. I am a strong supporter of environmental enforcement, however, I must express my disappointment with the amended portion of the bill.”

Rep. Howrigan of Fairfield explained his vote as follows:

“Madam Speaker:

I explain my vote for the following reason. The penalty to the towns for environmental enforcement assessment to the natural resources agency are excessive and beyond reasonable budgets of all.”

Rules Suspended; Bill Amended; Read the Third Time and Passed**H. 891**

On motion of **Rep. Adams of Hartland**, the rules were suspended and House bill, entitled

An act relating to making appropriations for the support of government.

Was placed on all remaining stages of passage.

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

In Sec. 6.008 by striking that section in its entirety and inserting in lieu thereof the following:

Sec. 6.008. 22 V.S.A. § 903(c) is amended to read:

(c)(1) The commissioner shall ~~contract~~ enter into a grant agreement with the Vermont information technology leaders (VITL), a broad-based health information technology advisory group that includes providers, payers,

employers, patients, health care purchasers, information technology vendors, and other business leaders, to develop the health information technology plan, including applicable standards, protocols, and pilot programs. In carrying out their responsibilities under this section, members of VITL shall be subject to conflict of interest policies established by the commissioner to ensure that deliberations and decisions are fair and equitable.

(2) A majority of the VITL board shall comprise state agency representatives and consumers and employers who purchase health care. Current members of the VITL board who do not fall into one of these categories shall be replaced upon expiration of their current term with new members who are state agency representatives or consumers or employers who purchase health care until a majority of the board comprises such persons. Upon attaining a majority of state agency representatives and consumers and employers who purchase health care on the board, the quorum requirement for any meeting at which the annual budget and workplan, the state health Information technology plan, or a report to the legislature is adopted shall be a majority of the board members who are state agency representatives and consumers and employers who purchase health care present and voting. These board composition and quorum requirements shall be reflected in the VITL bylaws.

~~(2)~~(3) VITL shall be designated in the plan to operate the exclusive statewide health information exchange network for this state, notwithstanding the provisions of subsection (g) of this section requiring the recommendation of the commissioner and the approval of the general assembly before the plan can take effect. Nothing in this section shall impede local community providers from the exchange of electronic medical data.

Which was disagreed to.

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

In Sec. 6.021, by adding a subsection (i) to 2 V.S.A. § 962 as follows:

(i) Any primary care practitioner receiving an electronic health information system, practice management system, or both pursuant to subdivision (a)(1) of this section shall maximize usage of such system in accordance with the guidelines developed by VITL. A practitioner who is determined by VITL to be using the system to less than its full capacity shall be provided with an opportunity for additional instruction as needed to enable full usage of the system. If a practitioner is unwilling or unable to utilize the system to its full capacity, such practitioner shall refund to VITL the fair market value of the system.

Which was agreed to.

Thereupon the bill was read a third time and passed.

Bills Messaged to Senate Forthwith

On motion of **Rep. Adams of Hartland**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 685

House bill, entitled

An act relating to enforcement of environmental laws;

H. 711

House bill, entitled

An act relating to agricultural, forestry and horticultural education;

H. 887

House bill, entitled

An act relating to health care reform;

H. 890

House bill, entitled

An act relating to compensation for certain state employees;

H. 891

House bill, entitled

An act relating to making appropriations for the support of government;

S. 280

Senate bill, entitled

An act relating to prosthetic parity;

Adjournment

At nine o'clock and forty minutes in the evening, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

THURSDAY, APRIL 3, 2008

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

Devotional Exercises

Devotional exercises were conducted by Rep. Allison Clarkson of Woodstock.

House Bill Introduced**H. 893**

Reps. Andrews of Rutland City, Courcelle of Rutland City, Howard of Rutland City and McCormack of Rutland City introduced a bill, entitled

An act relating to approval of amendments to the charter of the city of Rutland;

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

H. 894

Rep. Sweaney of Windsor introduced a bill, entitled

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

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

**Committee Relieved of Consideration
and Bill Committed to Other Committee****S. 233**

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

An act relating to temporary officiants for marriages and civil unions;

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

Proposal of Amendment Agreed to; Third Reading Ordered**S. 45**

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

An act relating to the right to attend town meeting;

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. 21 V.S.A. § 472b is added to read:

§ 472b. TOWN MEETING LEAVE; EMPLOYEES; STUDENTS

(a) Subject to the essential operation of a business or entity of state or local government, which shall prevail in any instance of conflict, an employee shall have the right to take unpaid leave from employment under this section or subsection 472(b) of this title for the purpose of attending his or her annual town meeting, provided the employee notifies the employer at least seven days prior to the date of the town meeting. An employer shall not discharge or in any other manner retaliate against an employee for exercising the right provided by this section.

(b) A student of voting age shall have the right to attend his or her annual town meeting, and the school shall not penalize or report the student as a truant for exercising the right provided by this section.

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

Favorable Report; Third Reading Ordered

J.R.H. 55

Rep. Weston of Burlington, for the committee on Natural Resources and Energy, to which had been referred Joint resolution, entitled

Joint resolution requesting the public service department to adopt a revised state energy plan with new implementation recommendations in accordance with 30 V.S.A. § 202b(c);

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

Action on Resolution Postponed

H. R. 32

House Resolution, entitled

House Resolution in support of a veterans' transitional housing facility in central Vermont;

Was taken up and pending the question, Shall the resolution be adopted? on motion of **Rep. McDonald of Berlin**, action on the bill was postponed until the next legislative day.

Bill Amended; Third Reading Ordered

H. 545

House bill, entitled

An act relating to the agency of human services;

Rep. Evans of Essex spoke for the committee on Government Operations.

Rep. French of Randolph, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to the agency of human services;

Reported in favor of its passage when amended as follows:

First: By striking Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 as follows:

Sec. 1. 3 V.S.A. § 3051 is amended to read:

§ 3051 COMMISSIONERS; DEPUTY COMMISSIONERS;
APPOINTMENT; TERM

* * *

(b) For the department of health, the secretary, with the approval of the governor, shall appoint deputy commissioners for the following divisions of the department:

- (1) public health;
- (2) substance abuse.
- ~~(3) substance abuse.~~

(c) For the department for children and families, the secretary, with the approval of the governor, shall appoint deputy commissioners for the following divisions of the department:

- (1) ~~field operations~~;
- ~~(2)~~ economic services;
- ~~(3)~~(2) child development;
- ~~(4)~~(3) family services.

~~(d) For the department of disabilities, aging, and independent living, the secretary, with the approval of the governor, shall appoint two deputy commissioners for the following divisions of the department:~~

~~(1) operations;~~

~~(2) disabilities and aging services.~~

(e) Deputy commissioners shall be exempt from the classified service. Their appointments shall be in writing and shall be filed in the office of the secretary of state.

Second: By adding a Sec. 7a to read:

Sec. 7a. 26 V.S.A. § 1317 is amended to read:

(a) Any hospital, clinic, community mental health center, or other health care institution in which a licensee performs professional services shall report to the commissioner of ~~mental health~~, along with supporting information and evidence, any disciplinary action taken by it or its staff which significantly limits the licensee's privilege to practice or leads to suspension or expulsion from the institution. The report shall be made within 10 days of the date such disciplinary action was taken, and, in the case of disciplinary action taken against a licensee ~~who is employed by, or under contract with, a community mental health center based on the provision of mental health services,~~ a copy of the report shall also be sent to the commissioner of ~~developmental and mental health services~~. This section shall not apply to cases of resignation or separation from service for reasons unrelated to disciplinary action.

(b) Within 30 days of any judgment or settlements involving a claim of professional negligence by a licensee, any insurer of the licensee shall report the information to the commissioner of health and, to the extent the claim relates to the provision of mental health services, to the commissioner of mental health.

(c) Except as provided in section 1368 of this title, information provided to the ~~department~~ department of health or of mental health under this section shall be confidential unless the department decides to treat the report as a complaint, in which case, the provisions of section 1318 of this title shall apply.

* * *

Third: By striking Sec. 9 in its entirety and inserting in lieu thereof a new Sec. 9 to read:

Sec. 9. 33 V.S.A. § 900(2) is amended to read:

(2) "Director" or ~~"director of rate setting"~~ means the director of ~~administration and rate setting.~~

Fourth: By adding a Sec. 9a to read:

Sec. 9a. 33 V.S.A. § 902(b) is amended to read:

(b) The division shall be headed by a director ~~of administration who shall report to the secretary of the agency or his or her~~ the secretary's designee.

Fifth: By adding a Sec. 11a to read:

Sec. 11a. 33 V.S.A. § 2073(f) is added to read:

(f) A manufacturer of pharmaceuticals purchased by individuals receiving assistance from VPharm established under this section shall pay to OVHA, as a condition of participation in the program, a rebate in an amount at least as favorable as the rebate paid to OVHA in connection with the Medicaid program.

Sixth: By striking Sec. 14 in its entirety and inserting in lieu thereof a new Sec. 14 to read:

Sec. 14. 33 V.S.A. § 2604(c) is amended to read:

(c) In determining heating fuel costs of households:

* * *

(2) Residents of housing units subsidized by the federal, state, or local government shall be deemed to have incurred no annual home heating fuel costs, except to the extent required by any federal law or regulation if federal funds are utilized for the home heating fuel assistance program, and with the following additional exception. Housing unit residents that receive ~~Aid to Needy Families with Children (ANFC)~~ Temporary Assistance to Needy Families (TANF), Supplemental Security Income/aid to the Aged, Blind, or Disabled (SSI/AABD), ~~ANFC TANF~~ emergency assistance, or general assistance benefits that are used in whole or in part to pay for their housing or utility costs and do not receive other federal, state, or local government assistance targeted specifically to their housing or utility needs shall, with the exception of households for which the cost of heat is supplied by the landlord, be assumed to incur annual home heating fuel costs and their eligibility for annual heating fuel assistance shall not be limited by this subsection.

* * *

Seventh: By striking Sec. 15 in its entirety

Eighth: By adding a Sec. 23 to read:

Sec. 23. REPEAL

33 V.S.A. § 2605(e) (1997 report of the home office of energy assistance) is repealed.

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

Pending the question, Shall the bill be read a third time? **Rep. French of Randolph** moved that the bill be amended as follows:

By adding a Sec. 24 to read:

Sec. 24. Sec. 3 of No. 180 of the Acts of 2006 is amended to read:

Sec. 3. DATA COLLECTION

(a) On or before January 31, ~~2007~~ 2009, January 31, 2010, and January 31, ~~2008~~ 2011, the commissioner of the department for children and families shall report to the house committee on human services and the senate committee on health and welfare data for the preceding year regarding the transportation of children in the custody of the commissioner by a sheriff or deputy sheriff. The data shall include the number and gender of children transported to various locations and geographic distribution of the use of such transports.

(b) On or before January 31, ~~2007~~ 2009, January 31, 2010, and January 31, ~~2008~~ 2011, the commissioner of the department of mental health shall report to the house committee on human services and the senate committee on health and welfare data for the preceding year regarding the transportation of persons in accordance with 18 V.S.A. § 7511. The data shall include the number, method, and location of all adult and child transports.

(c) The department for children and families, the department of mental health, the department of corrections, the department of state's attorneys and sheriffs, the office of the defender general, and the court administrator's office shall meet to discuss protocols for the secure transport of children, persons being hospitalized for mental illness, and pregnant inmates who are in state custody and develop strategies for reducing the frequency and necessity of secure transports using mechanical restraints. The group shall provide the house committee on human services and the senate committee on health and welfare with a letter detailing its findings and recommendations no later than January 15, ~~2007~~ 2009.

Which was agreed to and third reading was ordered.

Favorable Report; Third Reading Ordered; Point of Order

H. 889

Rep. Westman of Cambridge spoke for the committee on Transportation.

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

An act relating to the state's transportation program;

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

Pending the question, Shall the bill be read a third time? **Rep. Masland of Thetford** moved that the bill be amended as follows:

By striking out Secs 9 and 12 and by adding new Secs. 9 and 12 to read as follows:

Sec. 9. [DELETED]

Sec. 12. TOWN HIGHWAY STATE AID

The following modifications are made to the town highway state aid program:

<u>FY09 As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other 24,982,744	25,430,407	447,663
Total 24,982,744	25,430,407	447,663
<u>Sources of funds</u>		
State 24,982,744	25,430,407	447,663
Federal 0 0	0	
Local 0 0 0		
Total 24,982,744	25,430,407	447,663

Which was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Flory of Pittsford** moved that the bill be amended as follows:

By striking out Sec. 41 and Sec. 42 in their entirety and inserting in lieu thereof new Sec. 41 and 42 to read as follows:

Sec. 41. 13 V.S.A. § 3110 is added to read:

§ 3110. RAILROAD VANDALISM

(a) Purpose. The purpose of this section is to prevent acts of vandalism to railroad property which affect the health, safety, and welfare of the traveling public, the neighboring community, and railroad employees; to protect railroad property and freight in transportation by railroad; and otherwise to enhance the safety of transportation by railroad.

(b) Definitions. For purposes of this section:

(1) "Bodily injury" shall have the same meaning as in subdivision 1021(1) of this title.

(2) "Railroad" means any form of non-highway ground transportation that runs on rails or electromagnetic guideways, including:

(A) commuter or other short-haul railroad passenger service in a metropolitan or suburban area; and

(B) high-speed ground transportation systems that connect metropolitan areas, but does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

(3) "Railroad carrier" means a person providing railroad transportation.

(4) "Railroad property" means all property owned, leased, or operated by a railroad carrier, including a right-of-way, track, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal, railroad signal system, train control system, centralized dispatching system, or any other structure, appurtenance, or equipment owned, leased, or used in the operation of any railroad carrier, including a train, locomotive, engine, rail car, work equipment, rolling stock, or safety device. "Railroad property" does not include administrative buildings, administrative offices, or administrative office equipment.

(5) "Right-of-way" means the track or roadbed owned, leased, or operated by a railroad carrier which is located on either side of its tracks and which is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing or appropriate signs.

(6) "Serious bodily injury" shall have the same meaning as in subdivision 1021(2) of this title.

(c) Vandalism of railroad property. No person shall, with reckless disregard for railroad property or the safety of another, commit an act which causes damage to railroad property.

(d) Penalty for vandalism of railroad property.

(1) A person who violates subsection (c) of this section shall be fined not more than \$500.00 or imprisoned for not more than six months, or both, if the violation results in property damage of \$900.00 or less.

(2) A person who violates subsection (c) of this section shall be fined not more than \$1,000.00 or imprisoned for not more than one year, or both, if the violation results in bodily injury to another person or property damage of greater than \$900.00.

(3) A person who violates subsection (c) of this section shall be fined not more than \$20,000.00 or imprisoned for not more than 15 years, or both, if the violation results in death or serious bodily injury to another person.

(e) Aggravated railroad vandalism. No person shall intentionally cause damage to railroad property.

(g) Penalty for aggravated railroad vandalism.

(1) A person who violates subsection (e) of this section shall be fined not more than \$10,000.00 or imprisoned for not more than two years, or both, if the violation results in property damage of \$900.00 or less.

(2) A person who violates subsection (e) of this section shall be fined not more than \$20,000.00 or imprisoned for not more than five years, or both, if the violation results in bodily injury to another person or property damage of greater than \$900.00.

(3) A person who violates subsection (e) of this section shall be fined not more than \$25,000.00 or imprisoned for not more than 15 years, or both, if the violation results in death or serious bodily injury to another person.

(g) If serious bodily injury or death results to more than one person other than the defendant as a result of a violation of this section, the defendant may be convicted of a separate violation of this section for each decedent or person injured.

(h) Theft of railroad freight. Whoever willfully and with intent to permanently deprive the owner of railroad freight takes or removes railroad freight from any freight car, including a boxcar, container, or flatbed shall be guilty of petit larceny pursuant to 13 V.S.A. § 2502 if the value of the property does not exceed \$900.00. If the value of the property exceeds \$900.00, the person shall be guilty of grand larceny pursuant to 13 V.S.A. § 2501.

(i) Receiving stolen railroad freight. Whoever buys or receives any of the railroad freight described in subsection (h) of this section, having reason to know that this freight has been stolen, shall be subject to the penalties provided for in 13 V.S.A. § 2502 if the value of the property does not exceed \$900.00.

If the value of the property exceeds \$900.00, the person shall be subject to the penalties provided for in 13 V.S.A. § 2501.

Sec. 42. REPEALS

(1) 13 V.S.A. 3101-3104 are repealed.

(2) 5 V.S.A. § 3733 is repealed.

Which was agreed to.

Pending the question shall the bill be read a third time? **Rep. Koch of Barre Town** raised a Point of Order that the last sentence of Sec. 21 which directed the Governor to include certain items in the 2010 budget, was in violation of the Vermont Constitution in that it violated the separation of powers clause.

The Speaker ruled that the Point of Order not well taken in that it has been long the custom of this House, supported by Section 242.2 of Mason's Manual of Legislative Procedure that the chair does not rule on the constitutionality of amendments.

Pending the question, Shall the bill be read a third time? **Rep. Pearson of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 139. Nays, 0.

Those who voted in the affirmative are:

Acinapura of Brandon	Chen of Mendon	Errecart of Shelburne
Adams of Hartland	Cheney of Norwich	Evans of Essex
Ainsworth of Royalton	Clark of Vergennes	Fallar of Tinmouth
Allard of St. Albans Town	Clarkson of Woodstock	Fisher of Lincoln
Ancel of Calais	Clerkin of Hartford	Fitzgerald of St. Albans City
Anderson of Montpelier	Condon of Colchester	Flory of Pittsford
Andrews of Rutland City	Consejo of Sheldon	Frank of Underhill
Aswad of Burlington	Copeland-Hanzas	French of Randolph
Atkins of Winooski	of Bradford	Gervais of Enosburg
Audette of S. Burlington	Corcoran of Bennington	Gilbert of Fairfax
Baker of West Rutland	Courcelle of Rutland City	Godin of Milton
Barnard of Richmond	Crawford of Burke	Grad of Moretown
Bissonnette of Winooski	Davis of Washington	Greiner of St. Johnsbury
Bostic of St. Johnsbury	Deen of Westminster	Haas of Rochester
Botzow of Pownal	Devereux of Mount Holly	Head of S. Burlington
Branagan of Georgia	Donaghy of Poultney	Heath of Westford
Bray of New Haven	Donovan of Burlington	Helm of Castleton
Brennan of Colchester	Dostis of Waterbury	Howard of Rutland City
Browning of Arlington	Edwards of Brattleboro	Howrigan of Fairfield
Canfield of Fair Haven	Emmons of Springfield	Hube of Londonderry

Hutchinson of Randolph	Marcotte of Coventry	Oxholm of Vergennes
Jerman of Essex	Marek of Newfane	Partridge of Windham
Jewett of Ripton	Martin, C. of Springfield	Pearson of Burlington
Johnson of South Hero	Martin of Wolcott	Peaslee of Guildhall
Johnson of Canaan	Masland of Thetford	Pellett of Chester
Keenan of St. Albans City	McAllister of Highgate	Perry of Richford
Keogh of Burlington	McCormack of Rutland City	Peterson of Williston
Kilmartin of Newport City	McCullough of Williston	Potter of Clarendon
Kitzmiller of Montpelier	McDonald of Berlin	Pugh of S. Burlington
Klein of East Montpelier	McFaun of Barre Town	Randall of Troy
Koch of Barre Town	McNeil of Rutland Town	Rodgers of Glover
Komline of Dorset	Milkey of Brattleboro	Scheuermann of Stowe
Krawczyk of Bennington	Miller of Shaftsbury	Shand of Weathersfield
Kupersmith of S. Burlington	Minter of Waterbury	Sharpe of Bristol
Larocque of Barnet	Mitchell of Barnard	Smith of Morristown
Larrabee of Danville	Monti of Barre City	Spengler of Colchester
Larson of Burlington	Mook of Bennington	Stevens of Shoreham
Lawrence of Lyndon	Moran of Wardsboro	Sweaney of Windsor
Lenes of Shelburne	Morley of Barton	Trombley of Grand Isle
Leriche of Hardwick	Morrissey of Bennington	Valliere of Barre City
Lewis of Derby	Myers of Essex	Westman of Cambridge
Lippert of Hinesburg	Nease of Johnson	Wheeler of Derby
Livingston of Manchester	Nuovo of Middlebury	Winters of Williamstown
Lorber of Burlington	Obuchowski of Rockingham	Wright of Burlington
Maier of Middlebury	O'Donnell of Vernon	Zenie of Colchester
Malcolm of Pawlet	Ojibway of Hartford	Zuckerman of Burlington
Manwaring of Wilmington	Otterman of Topsham	

Those who voted in the negative are:

None.

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

Donahue of Northfield	Mrowicki of Putney	Turner of Milton
Hosford of Waitsfield	Orr of Charlotte	Weston of Burlington
Hunt of Essex	Peltz of Woodbury	
LaVoie of Swanton	Pillsbury of Brattleboro	

Rep. McCullough of Williston explained his vote as follows:

"Madam Speaker:

I voted yes for our transportation bill with a tear on my cheek for the loss of the bicycle and pedestrian program and the attendant lack of future budget considerations for all non motorized citizens of Vermont."

Message from the Senate No. 48

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. 201. An act relating to state employee whistleblower protection.

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

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

J.R.S. 60. Joint resolution requesting the Attorney General of Vermont to initiate legal action on behalf of the state and its citizens to seek reimbursement for the costs of illegal price-fixing, price-gouging, and conspiracy to restrain trade in retail gasoline and diesel fuel.

J.R.S. 61. 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. 52. Joint resolution urging Congress to enact legislation establishing an Office of the National Nurse.

And has adopted the same in concurrence.

Adjournment

At twelve o'clock and fifty-five minutes in the afternoon, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

FRIDAY, APRIL 4, 2008

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 Craig Thompson of First Baptist Church, Barre, 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:

**Callie-Rae Cashin of Westmore
Eliza Dorney of Richmond
Kaylie-Ann Flannigan of Castleton
Whitney Furnholm of New Haven
Sam Hensel-Hunter of Cavendish
Nicholas Johnson of Middlesex
Emma Mae Masi of Wolcott
Gab Sheir of Montpelier
Kate Stevens of Waterbury
Monica Wentz of Stowe**

Senate Bill Referred

S. 201

Senate bill, entitled

An act relating to state employee whistleblower protection;

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

Joint Resolution Placed on Calendar

The Speaker placed before the House the following resolution which was read and in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

J.R.S. 60

By Senators Starr, Ayer, Bartlett, Campbell, Carris, Collins, Condos, Copenrath, Cummings, Doyle, Flanagan, Giard, Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Maynard, Mazza, McCormack, Miller, Mullin, Nitka, Racine, Scott, Sears, Shumlin, Snelling and White,

Joint resolution requesting the Attorney General of Vermont to initiate legal action on behalf of the state and its citizens to seek reimbursement for the costs of illegal price-fixing, price-gouging, and conspiracy to restrain trade in retail gasoline and diesel fuel.

Whereas, all major international oil companies doing business in the state have reported record profits in the last several years; and many of them, such as ExxonMobil, are among the most profitable companies in the world and certainly the most profitable, publicly-traded companies in the United States, and

Whereas, the retail prices of gasoline, heating oil and diesel fuel constitute an economic emergency of the first order for the state and the people,

demanding a decisive and immediate response from state and federal officials, and

Whereas, higher gasoline and fuel prices have extracted enormous costs on the state and its economy and have caused deep financial hardship for all Vermonters, and

Whereas, Vermont is a rural state with minimal public transportation, requiring thousands of individuals to drive their cars to work daily; Vermont's economy is heavily reliant on automotive tourism and other recreation-related activities; Vermont's farmers are dependent on gasoline and diesel fuel to operate tractors, combines, trucks and other equipment necessary to sustain their livelihood; and home heating fuel costs are causing many Vermont families to reduce other essentials, including food and health care, and

Whereas, the combination of record high prices and corporate profitability in combination with apparent market concentration at all levels of the industry must be investigated to determine if oil companies are engaging in illegal price-gouging, price-fixing, or other anti-competitive activities, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly strongly recommends that the Attorney General of the State of Vermont take aggressive and immediate steps to initiate an investigation of probable illegal and anti-competitive activities by oil companies in violation of the laws of this State and the United States, and *be it further*

Resolved: That the Attorney General of the State of Vermont initiate appropriate legal action on behalf of the state and its citizens, seeking reimbursement to the state and the people of the costs of illegal price-fixing, price-gouging, and conspiracy to restrain trade in retail gasoline and diesel fuel, and *be it further*

Resolved: That the Attorney General of the State of Vermont seek the participation of the attorneys general of other states to join with Vermont in this investigation and legal action to recover the costs on behalf of their states and citizens, and *be it further*

Resolved: That the Secretary of State is directed to send a copy of this resolution to the Attorney General of Vermont and to the Vermont Congressional delegation.

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

Joint resolution, entitled

Joint resolution relating to weekend adjournment;

By Senator Shumlin,

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 4, 2008, it be to meet again no later than Tuesday, April 8, 2008.

Was taken up read and adopted in concurrence.

House Resolution Amended and Adopted**H.R. 32**

House resolution, entitled;

House resolution in support of the creation of a veterans' transitional housing facility in central Vermont

Was taken up.

Thereupon, **Rep. McDonald of Berlin** moved to amend the resolution as follows:

In the seventh Whereas clause, by striking the phrase "Barre or Montpelier" and inserting in lieu thereof "central Vermont"

Which was agreed to.

Pending the question, Shall the resolution be adopted? **Rep. Marek of Newfane** 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 resolution be adopted? was decided in the affirmative. Yeas, 134. Nays, 0.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Ainsworth of Royalton
Allard of St. Albans Town
Ancel of Calais
Anderson of Montpelier
Andrews of Rutland City
Atkins of Winooski
Audette of S. Burlington

Baker of West Rutland
Barnard of Richmond
Bissonnette of Winooski
Bostic of St. Johnsbury
Botzow of Pownal
Bray of New Haven
Brennan of Colchester
Browning of Arlington
Canfield of Fair Haven

Chen of Mendon
Cheney of Norwich
Clarkson of Woodstock
Clerkin of Hartford
Condon of Colchester
Consejo of Sheldon
Copeland-Hanzas of
Bradford
Corcoran of Bennington

Courcelle of Rutland City
 Crawford of Burke
 Davis of Washington
 Devereux of Mount Holly
 Donaghy of Poultney
 Donahue of Northfield
 Dostis of Waterbury
 Edwards of Brattleboro
 Emmons of Springfield
 Errecart of Shelburne
 Evans of Essex
 Fisher of Lincoln
 Fitzgerald of St. Albans City
 Flory of Pittsford
 French of Randolph
 Gervais of Enosburg
 Gilbert of Fairfax
 Godin of Milton
 Grad of Moretown
 Haas of Rochester
 Head of S. Burlington
 Heath of Westford
 Helm of Castleton
 Howard of Rutland City
 Howrigan of Fairfield
 Hube of Londonderry
 Hutchinson of Randolph
 Jerman of Essex
 Jewett of Ripton
 Johnson of South Hero
 Keenan of St. Albans City
 Keogh of Burlington
 Kilmartin of Newport City
 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
 Lawrence of Lyndon
 Lenes of Shelburne
 Leriche of Hardwick
 Lewis of Derby
 Lippert of Hinesburg
 Livingston of Manchester
 Lorber of Burlington
 Maier of Middlebury
 Malcolm of Pawlet
 Manwaring of Wilmington
 Marcotte of Coventry
 Marek of Newfane
 Martin, C. of Springfield
 Martin of Wolcott
 Masland of Thetford
 McAllister of Highgate
 McCormack of Rutland City
 McCullough of Williston
 McDonald of Berlin
 McFaun of Barre Town
 McNeil of Rutland Town
 Minter of Waterbury
 Mitchell of Barnard
 Monti of Barre City
 Mook of Bennington
 Moran of Wardsboro
 Morley of Barton
 Morrissey of Bennington
 Mrowicki of Putney
 Myers of Essex

Nease of Johnson
 Nuovo of Middlebury
 Obuchowski of Rockingham
 O'Donnell of Vernon
 Ojibway of Hartford
 Orr of Charlotte
 Otterman of Topsham
 Oxholm of Vergennes
 Partridge of Windham
 Pearson of Burlington
 Peaslee of Guildhall
 Pellett of Chester
 Peltz of Woodbury
 Perry of Richford
 Peterson of Williston
 Pillsbury of Brattleboro
 Potter of Clarendon
 Pugh of S. Burlington
 Randall of Troy
 Rodgers of Glover
 Scheuermann of Stowe
 Shand of Weathersfield
 Sharpe of Bristol
 Smith of Morristown
 Spengler of Colchester
 Stevens of Shoreham
 Sweaney of Windsor
 Trombley of Grand Isle
 Valliere of Barre City
 Westman of Cambridge
 Weston of Burlington
 Wheeler of Derby
 Winters of Williamstown
 Wright of Burlington
 Zenie of Colchester
 Zuckerman of Burlington

Those who voted in the negative are:

None

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

Aswad of Burlington
 Branagan of Georgia
 Clark of Vergennes
 Deen of Westminster
 Donovan of Burlington

Fallar of Tinmouth
 Frank of Underhill
 Grenier of St. Johnsbury
 Hosford of Waitsfield
 Hunt of Essex

Johnson of Canaan
 LaVoie of Swanton
 Milkey of Brattleboro
 Miller of Shaftsbury
 Turner of Milton

Rep. Morrissey of Bennington explained her vote as follows:

"Madam Speaker:

I support HR 32 as it supports the creation of a Veterans' housing facility for our homeless veterans, to serve those who have served us so proudly.

Wording on a piece of paper is cheap. We had an opportunity to truly support our homeless veterans through this initiative by putting our money where our mouth is during this week's budget discussion, and failed to do so!"

Rep. O'Donnell of Vernon explained her vote as follows:

"Madam Speaker:

If we supported our military unconditionally we wouldn't need roll call votes. Some things shouldn't be political."

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

S. 45

Senate bill, entitled

An act relating to the right to attend town meeting;

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

Third Reading; Joint Resolution Adopted

J.R.H. 55

Joint resolution, entitled

Joint resolution requesting the public service department to adopt a revised state energy plan with new implementation recommendations in accordance with 30 V.S.A. § 202(c);

Was taken up, read the third time and adopted on the part of the House.

Senate Proposal of Amendment Concurred in

J.R.H. 44

The Senate proposed to the House to amend Joint resolution, entitled

Joint resolution approving the Vermont information technology leaders' (VITL) health information technology plan as required by 22 V.S.A. § 903(g);

By striking the resolution in its entirety and inserting in lieu thereof the following:

Whereas, the Vermont Information Technology Leaders, Inc. (VITL) is a nonprofit, public-private partnership incorporated in Vermont, and

Whereas, VITL is an integral part of the development of health information technology in this state, and

Whereas, VITL has developed the Vermont health information technology plan pursuant to 22 V.S.A. § 903(b) and (c), and

Whereas, the Vermont health information technology plan outlines a vision for health information technology in Vermont that identifies key stakeholders, strategies, and objectives; provides standards for health information exchange that include the promotion of privacy and security; presents an overview of the technology architecture; and details the funding and governance of health information technology in this state, and

Whereas, the “Standards for Privacy of Individually Identifiable Health Information” established under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and contained in 45 C.F.R., Parts 160 and 164, provide protections for the privacy of individually identifiable health information maintained or transmitted in connection with certain administrative and financial transactions, and

Whereas, the provisions of Vermont’s patients’ privilege statute in 12 V.S.A. § 1612, the mental health protections found in 18 V.S.A. § 7103, and the guidelines for privacy and security standards and protocols in 22 V.S.A. § 903(f) provide Vermonters with additional rights and protections regarding disclosure of their personal health information, and

Whereas, 22 V.S.A. § 903(g) allows the Vermont health information technology plan, upon recommendation of the commissioner of information and innovation and approval by the general assembly, to serve as the framework within which the commissioner reviews certificate of need applications for information technology, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly approves the Vermont health information technology plan, as submitted by VITL, to be implemented using HIPAA, 12 V.S.A. § 1612, 18 V.S.A. § 7103, and 22 V.S.A. § 903(f) as the minimum standards for the privacy and security of health information, and be it further

Resolved: That VITL be directed to continue to update the health information technology plan to include state and national privacy and security policies and procedures as they become available to reflect industry best practices, and be it further

Resolved: That VITL be directed to update by January 1, 2009 the interoperability standards in the health information technology plan to reflect nationally accepted industry best practices relating to the exchange of data, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to the Vermont Information Technology Leaders, Inc.

Which proposal of amendment was considered and concurred in.

Third Reading; Bill Passed

H. 545

House bill, entitled

An act relating to the agency of human services;

Was taken up, read the third time and passed.

Bill Amended, Consideration Interrupted by Recess

H. 889

House bill, entitled

An act relating to the states' transportation program;

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

By adding a new Sec. 52 to read as follows:

*** * * Missisquoi Valley Rail Trail * * ***

Sec. 52. MISSISQUOI VALLEY RAIL TRAIL

The agency shall report to the house and senate committees on transportation by January 15, 2009 on a funding and management plan for the Missisquoi Valley rail trail.

and by renumbering the remaining Sec. to be numerically correct

Which was agreed to.

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

On page 27, in Sec. 21 (Life Cycle Funding Study), in subsection (b), by striking the last sentence and inserting in lieu thereof the following: "This committee shall meet on or before October 10, 2008 to review the report and for the purpose of advising the governor during the budget-preparation process.

shall make such recommendations to the governor as the committee may deem appropriate regarding funding options for such programs."

Pending the question, Shall the House amend the bill as recommended by Rep. Koch of Barre Town? Rep. Westman of Cambridge demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Pending the call of the roll the Speaker declared a recess.

Recess

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

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

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

H. 889

Consideration resumed on House bill, entitled

An act relating to the states' transportation program;

Thereupon, the Clerk proceeded to call the roll and the question, Shall the House amend the bill as recommended by Rep. Koch of Barre Town? was decided in the affirmative. Yeas, 134. Nays, 0.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Ainsworth of Royalton
Allard of St. Albans Town
Ancel of Calais
Anderson of Montpelier
Andrews of Rutland City
Atkins of Winooski
Audette of S. Burlington
Baker of West Rutland
Barnard of Richmond
Bissonnette of Winooski
Bostic of St. Johnsbury
Botzow of Pownal
Bray of New Haven
Brennan of Colchester
Browning of Arlington
Canfield of Fair Haven
Chen of Mendon

Cheney of Norwich
Clarkson of Woodstock
Clerkin of Hartford
Condon of Colchester
Consejo of Sheldon
Corcoran of Bennington
Courcelle of Rutland City
Crawford of Burke
Davis of Washington
Devereux of Mount Holly
Donaghy of Poultney
Donahue of Northfield
Dostis of Waterbury
Edwards of Brattleboro
Emmons of Springfield
Errecart of Shelburne
Evans of Essex
Fisher of Lincoln
Fitzgerald of St. Albans City

Flory of Pittsford
French of Randolph
Gervais of Enosburg
Gilbert of Fairfax
Godin of Milton
Grad of Moretown
Haas of Rochester
Head of S. Burlington
Heath of Westford
Helm of Castleton
Howard of Rutland City
Howrigan of Fairfield
Hube of Londonderry
Hutchinson of Randolph
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City
Keogh 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
 Lawrence of Lyndon
 Lenes of Shelburne
 Leriche of Hardwick
 Lewis of Derby
 Lippert of Hinesburg
 Livingston of Manchester
 Lorber of Burlington
 Maier of Middlebury
 Malcolm of Pawlet
 Manwaring of Wilmington
 Marcotte of Coventry
 Marek of Newfane
 Martin, C. of Springfield
 Martin of Wolcott
 Masland of Thetford
 McAllister of Highgate
 McCormack of Rutland City

McCullough of Williston
 McDonald of Berlin
 McFaun of Barre Town
 McNeil of Rutland Town
 Miller of Shaftsbury
 Minter of Waterbury
 Mitchell of Barnard
 Monti of Barre City
 Mook of Bennington
 Moran of Wardsboro
 Morley of Barton
 Morrissey of Bennington
 Mrowicki of Putney
 Myers of Essex
 Nease of Johnson
 Nuovo of Middlebury
 Obuchowski of Rockingham
 O'Donnell of Vernon
 Ojibway of Hartford
 Orr of Charlotte
 Otterman of Topsham
 Oxholm of Vergennes
 Partridge of Windham
 Pearson of Burlington
 Peaslee of Guildhall
 Pellett of Chester

Peltz of Woodbury
 Perry of Richford
 Peterson of Williston
 Pillsbury of Brattleboro
 Potter of Clarendon
 Pugh of S. Burlington
 Randall of Troy
 Rodgers of Glover
 Scheuermann of Stowe
 Shand of Weathersfield
 Sharpe of Bristol
 Smith of Morristown
 Spengler of Colchester
 Stevens of Shoreham
 Sweaney of Windsor
 Trombley of Grand Isle
 Turner of Milton
 Valliere of Barre City
 Westman of Cambridge
 Weston of Burlington
 Wheeler of Derby
 Winters of Williamstown
 Wright of Burlington
 Zenie of Colchester
 Zuckerman of Burlington

Those who voted in the negative are:

None.

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

Aswad of Burlington
 Branagan of Georgia
 Clark of Vergennes
 Copeland-Hanzas of
 Bradford
 Deen of Westminster

Donovan of Burlington
 Fallar of Tinmouth
 Frank of Underhill
 Grenier of St. Johnsbury
 Hosford of Waitsfield
 Hunt of Essex

Johnson of Canaan
 Kilmartin of Newport City
 LaVoie of Swanton
 Milkey of Brattleboro

Rep. Brennan of Colchester explained his vote as follows:

“Madam Speaker:

This amendment will serve to send a strong and firm, yet respectful, message to leadership which will serve to highlight the desperate demand to explore bonding which will start us on a path to transportation recovery.”

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

“Madam Speaker:

In offering this amendment, my concern is strictly to maintain the appropriate constitutional separation of powers, and in no way is it intended to mitigate the committee's intent to generate a discussion of the need for additional revenues to support our transportation infrastructure."

Rep. Minter of Waterbury explained her vote as follows:

"Madam Speaker:

I support this amendment in order to send a strong message that this body stands united today, across party and throughout all regions of the state that we must not continue to get further and further behind in transportation but must take real action to fix our crumbling roads and bridges and not leave this crisis to future generations."

Rep. Nease of Johnson explained his vote as follows:

"Madam Speaker:

The purpose of this section of the transportation bill is to hold this administration accountable. Slogans and sound bites are like thin overlays and hot mix in potholes. They might be ok in the short run, but they can not take the place of a competent long-term plan."

Rep. Pearson of Burlington explained his vote as follows:

"Madam Speaker:

I vote yes with significant disappointment. Time and time again, all 150 of us are pushed into a box by one man in the state government who never hesitates to make us look bad. Today we took the teeth out of an opportunity to hang our hats on responsible public policy that happens to have a nice push back."

Rep. Westman of Cambridge explained his vote as follows:

"Madam Speaker:

Our roads need work, that is clear. No to this or that funding source isn't good enough anymore. We need to begin to develop real solutions. This is about our future."

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

In Sec. 5 by adding a new subdivision (2) to read as follows:

(2) Contingent upon receiving federal funds for passage of a primary enforced safety belt law, or upon satisfaction of federal requirements regarding average safety belt usage, authorized spending for the HSIP projects is

increased by up to \$2,700,000.00, or such lesser amount as may actually become available to the state. The agency is authorized to spend up to 100 percent of the federal funds awarded in the high risk rural roads program within the HSIP program for municipal highways, and shall expend at least 45 percent of such amount for the municipal highways. Any remaining funds shall be spent within the HSIP program. The agency shall report to the house and senate committees on transportation by January 15, 2009 on the specific allocation of the amounts received.

Which was agreed to.

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

Message from the Senate No. 49

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 bills originating in the House of the following titles:

H. 338. An act relating to state purchasing of apparel, footwear, or textiles.

H. 403. An act relating to postretirement cost of living adjustments for state employees.

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

H. 880. An act relating to the Vermont pension investment committee.

And has passed the same in concurrence.

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

S.C.R. 39. Senate concurrent resolution in memory of former Legislative Council operations' manager Dulcina Goulette-Sabourin.

S.C.R. 40. Senate concurrent resolution congratulating the 2008 Rutland High School Raiders girls' alpine skiing championship team.

S.C.R. 41. Senate concurrent resolution congratulating the 2008 Rutland High School Raiders boys' and girls' champion snowboarders.

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

H.C.R. 255. House concurrent resolution congratulating the South Royalton Women's Club on the 100th anniversary of its membership in the State Federation of Women's Clubs.

H.C.R. 256. House concurrent resolution recognizing the role of registered nurses in the delivery of health care in Vermont.

H.C.R. 257. House concurrent resolution congratulating the Gaines Farm on its receipt of a 2008 Vermont Centennial Business Award.

H.C.R. 258. House concurrent resolution congratulating the *Brattleboro Reformer* on its receipt of a 2008 Vermont Centennial Business Award.

H.C.R. 259. House concurrent resolution congratulating the 2008 Essex High School Hornets championship gymnastics team.

H.C.R. 260. House concurrent resolution in memory of Violet Coffin of Stratford.

H.C.R. 261. House concurrent resolution in memory of the American military personnel who have died in the service of their nation in Iraq from December 20, 2007 through March 27, 2008.

H.C.R. 262. House concurrent resolution congratulating the Middlebury Inn on its receipt of a 2008 Vermont Centennial Business Award.

H.C.R. 263. House concurrent resolution congratulating Chipman Point on its receipt of a 2008 Vermont Centennial Business Award.

H.C.R. 264. House concurrent resolution congratulating The Palms Restaurant on its receipt of a 2008 Vermont Centennial Business Award.

Adjournment

At eleven o'clock and fifty-five minutes in the forenoon, on motion of **Rep. Komline of Dorset**, the House adjourned until Tuesday, April 8, 2008, 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. 255

House concurrent resolution congratulating the South Royalton Woman's Club on the 100th anniversary of its membership in the State Federation of Women's Clubs

H.C.R. 256

House concurrent resolution recognizing the role of registered nurses in the delivery of health care in Vermont

H.C.R. 257

House concurrent resolution congratulating the Gaines Farm on its receipt of a 2008 Vermont Centennial Business Award

H.C.R. 258

House concurrent resolution congratulating the *Brattleboro Reformer* on its receipt of a 2008 Vermont Centennial Business Award

H.C.R. 259

House concurrent resolution congratulating the 2008 Essex High School Hornets championship gymnastics team

H.C.R. 260

House concurrent resolution in memory of Violet Coffin of Strafford

H.C.R. 261

House concurrent resolution in memory of the American military personnel who have died in the service of their nation in Iraq from December 20, 2007 through March 27, 2008

H.C.R. 262

House concurrent resolution congratulating the Middlebury Inn on its receipt of a 2008 Vermont Centennial Business Award

H.C.R. 263

House concurrent resolution congratulating Chipman Point on its receipt of a 2008 Vermont Centennial Business Award

H.C.R. 264

House concurrent resolution congratulating The Palms Restaurant on its diamond anniversary

S.C.R. 39.

Senate concurrent resolution in memory of former Legislative Council operations' manager Dulcina Goulette-Sabourin.

S.C.R. 40.

Senate concurrent resolution congratulating the 2008 Rutland High School Raiders girls' alpine skiing championship team.

S.C.R. 41.

Senate concurrent resolution congratulating the 2008 Rutland High School Raiders boys' and girls' champion snowboarders.

[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 2008, sixty-ninth Adjourned session]

TUESDAY, APRIL 8, 2008

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

Devotional Exercises

Devotional exercises were conducted by Representative Daryl Pillsbury of Brattleboro, VT.

Pledge of Allegiance

Page Victoria DeLuca of Williston led the House in the Pledge of Allegiance.

Message from Governor

A message was received from His Excellency, the Governor, by Ms. Dennise Casey, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House that on the fourth day of April, 2008, he approved and signed bills originating in the House of the following title:

H. 557 An act relating to postponing the sunset of the Fish and Wildlife Board's authority to adopt rules regulating the deer herd

H. 788 An act relating to awarding moose permits to Vermont veterans of Afghanistan and Iraq

House Resolution Referred to Committee**H.R. 33**

Reps. Marek of Newfane, Ancel of Calais, Aswad of Burlington, Barnard of Richmond, Chen of Mendon, Cheney of Norwich, Clarkson of Woodstock, Courcelle of Rutland City, Deen of Westminster, Evans of Essex, Fisher of Lincoln, Frank of Underhill, French of Randolph, Godin of Milton, Grad of Moretown, Haas of Rochester, Heath of Westford, Hunt of Essex, Hutchinson of Randolph, Jerman of Essex, Jewett of Ripton, Kitzmiller of Montpelier, Klein of East Montpelier, Kupersmith of S. Burlington, Larson of Burlington, Lenes of Shelburne, Lippert of Hinesburg, Martin of Springfield, Masland of Thetford, McCormack of Rutland City, McCullough of Williston, Milkey of Brattleboro, Minter of Waterbury, Mitchell of Barnard, Moran of Wardsboro, Mrowicki of Putney, Nuovo of Middlebury, Obuchowski of Rockingham, Ojibway of Hartford, Pellett of Chester, Shand of Weathersfield, Smith of Morristown, Spengler of Colchester, Stevens of Shoreham, Sweaney of Windsor, Weston of Burlington and Zuckerman of Burlington offered a House resolution, entitled

House resolution expressing strong opposition to and urging effective and immediate congressional action to stop human rights violations by the government of the People's Republic of China's human rights violations in the geographic area known as Tibet;

Whereas, the Universal Declaration of Human Rights the General Assembly of the United Nations adopted on December 10, 1948; and that has been reaffirmed by all United Nations member states provides in part:

"Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."

"Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

"Article 9.

No one shall be subjected to arbitrary arrest, detention or exile."

“Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”

“Article 17.

(2) No one shall be arbitrarily deprived of his property.”

“Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.”

“Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

“Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein,” and

Whereas, the international Convention On Human Rights indicates in its preamble that disregard and contempt for human rights deserves condemnation by the international community when it results in barbarous acts which outrage the conscience of mankind, and prevent or delay the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from want and fear, and

Whereas the UN Commission on Human Rights Resolution 1993/77, entitled “Forced Evictions” states, “the practice of forced evictions constitutes a gross violation of human rights,” and

Whereas, the Chinese government has forced both Tibetan natives and Han Chinese to relocate in direct violation of both Article 17 of the Universal Declaration of Human Rights, and the UN Commission on Human Rights Resolution 1993/77 and

Whereas, the barbarous acts of the government of the People's Republic of China, within the area known as Tibet, have jolted and continue to jolt the conscience of mankind, now therefore be it

Resolved by the House of Representatives:

That this legislative body expresses its strong opposition to the government of the People's Republic of China's fundamental human rights violations in the geographic area known as Tibet, and be it further

Resolved: That this legislative body urges Congress to take effective and immediate action to stop these fundamental human rights violations, and be it further

Resolved: That the clerk of the house be directed to send a copy of this resolution to the Ambassador of the People's Republic of China to the United States, to the International Campaign for Tibet, and to the Vermont Congressional Delegation.

Which was read and referred to the committee on General, Housing and Military Affairs.

Bill Amended; Third Reading Ordered

H. 230

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

An act relating to legislative appointments to the human rights commission;

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

Sec. 1. 9 V.S.A. § 4551 is amended to read:

§ 4551. HUMAN RIGHTS COMMISSION; MEMBERS; COMPENSATION

* * *

(c) A member of the commission whose term has expired or who resigned during a term shall be eligible to act as an alternate at the request of the executive director of the commission if necessary to convene a quorum of the commission to act upon complaints pursuant to section 4554 of this title. An alternate shall only participate in the consideration of complaints at meetings attended and shall not be involved in setting the policies of the commission.

(d) Each member of the commission, including an alternate who is called to act, shall receive compensation as provided by 32 V.S.A. § 1010 with a

maximum of \$1,000.00 a year, and shall be entitled to expenses actually and necessarily incurred in the performance of his or her duties.

~~(d)~~(e) Three members of the commission shall constitute a quorum.

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Government Operations.

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

**Favorable Report; Third Reading Ordered; Rules Suspended;
Bill Read Third Time and Passed; Rules Suspended and
Bill Messaged to Senate Forthwith**

H. 876

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

An act relating to approval of amendment to the charter of the town of Middlebury;

Reported in favor of its passage.

Rep. Aswad of Burlington, for the committee on Ways and Means, 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.

On motion of **Rep. Adams of Hartland**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed and, on motion of **Rep. Adams of Hartland** the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Joint Resolution Committed to Committee

J.R.S. 60

Joint resolution, entitled

Joint resolution requesting the Attorney General of Vermont to initiate legal action on behalf of the state and its citizens to seek reimbursement for the costs of illegal price-fixing, price-gouging, and conspiracy to restrain trade in retail gasoline and diesel fuel;

Was taken up and pending the question, Shall the resolution be adopted? **Rep Adams of Hartland** moved to commit the resolution to the committee on Commerce.

Pending the question, Shall the House commit the resolution to the committee on Commerce? **Rep. Adams of Hartland** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Thereupon, **Rep. Adams of Hartland** asked and was granted leave of the House to withdraw his request for a roll call vote and the resolution was committed to the committee on Commerce.

Message from the Senate No. 50

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. 350. An act relating to energy independence and economic prosperity.

S. 371. An act relating to the creation of an agency of education and the elimination of the state board of education.

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. 859. An act relating to increasing substance abuse treatment, vocational training, and transitional housing for offenders in order to reduce recidivism, increase public safety and reduce corrections costs.

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 considered House proposal of amendment to Senate bill of the following title:

S. 280. An act relating to prosthetic parity.

And has concurred therein.

The Governor has informed the Senate that on the fourth day of April, 2008, he returned without signature and *vetoed* bills originating in the Senate of the following titles:

S. 108. An act relating to the election of U.S. Representative and U.S. Senator by the instant runoff voting method.

S. 278. An act relating to financing campaigns.

Governor's Veto Letter; S. 108

"April 4, 2008

The Honorable David A. Gibson
Secretary of the Senate
State House
115 State St., Drawer 33
Montpelier, VT 05633

Dear Mr. Secretary:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning S. 108, *An Act Relating to the Election of U.S. Representative and U.S. Senator by the Instant Runoff Voting Method*, without my signature because of objections described herein.

There are serious flaws with this proposal to alter Vermont's system of elections. This system has served the people of Vermont well for more than 200 years and is one I had the privilege of administering for a dozen years as Secretary of State.

This bill circumvents the fundamental democratic principle of one person, one vote. That is entirely unacceptable. The authors of our Constitution applied this standard — compelling each voter to choose the candidate for each office that she or he deems most qualified — to ensure that elections are in fact a clear choice.

The Attorney General's office has confirmed in a formal, written opinion that attempts to amend the law in order to apply the so called Instant Runoff Voting (IRV) process to races for Governor, Lieutenant Governor and Treasurer would, in fact, be unconstitutional. While S. 108 would apply to the election of our U.S. Representative and U.S. Senator, this does not render the attempt to legislatively impose IRV democratically sound.

Our state Constitution provides a clear and effective mechanism for changes to its provisions. Voter approval, through the process set forth in our Constitution for its amendment, necessitates a statewide ballot that includes the voices of all Vermonters. If the Legislature proposes to fundamentally alter our election process, this is the procedure Vermont should follow.

Moreover, voters should not be asked to cast their ballots based on a wide range of hypothetical, theoretical or imaginary outcomes. Elections have always been, and ought to remain, contests among individual candidates and their ideas. Voters have always, and should continue to, cast their constitutionally protected vote for the individual for each office they believe would best serve Vermont.

In addition, the process offered by this bill cannot result in a candidate being the top choice of a majority of voters. It is mathematically impossible for the candidate chosen by the IRV process to receive a majority of first votes cast. In other words, use of an IRV system requires a significant number of second and third choices — not the voter's real choice — to be counted. It is therefore not valid to conclude, as the advocates and special interests do, that the winner of an IRV election would receive a majority of the vote.

Finally, this system would undoubtedly lead to backroom deal making between candidates who urge supporters to vote for or against a second choice candidate if no one receives a majority. This would erode public confidence in the process.

This proposal would cause a deterioration of our time tested, democratic and egalitarian electoral process. The current system has served the people of Vermont well for more than 200 years. There is no basis to make the democratically unsound change this bill proposes.

Sincerely,
/s/James H. Douglas
Governor"

Governor's Veto Letter; S. 278

"April 4, 2008

The Honorable David A. Gibson
Secretary of the Senate
State House
115 State St., Drawer 33
Montpelier, VT 05633

Dear Mr. Secretary:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning S. 278, *An Act Relating to Financing Campaigns*, without my signature because of objections described herein.

I was optimistic that after last year's veto we could come together to craft meaningful campaign finance legislation that establishes reasonable and responsible limits on contributions to candidates for public office — limits that do not favor incumbents whose advantage over challengers is undeniable. It is with great disappointment that I am unable to support this legislation because it does not address the flaws contained in last year's bill.

I continue to support campaign finance laws that do not advantage incumbents and that set reasonable contribution limits, establish timely and transparent reporting requirements and reflect Vermont's values and commitment to free speech. This bill still contains among its flaws a provision that would restrict political party contributions and therefore allow our elections to be controlled by outside special interests. I cannot allow that to happen.

After hearing from lawmakers that they wished to have my administration more directly involved during this session, I answered that request. While I have expressed a number of concerns with this legislation, I focused on two of the most problematic provisions. Unfortunately, the area of greatest concern — the limits on party contributions to candidates — was not addressed and remains at the core of my objection to this bill.

The proposed party contribution limits extend unfair political protection to incumbents by establishing an obstacle for challengers. These limits would particularly disadvantage potential candidates of modest means who are unable to fund their own campaigns. Vermonters want and expect real reforms that ensure a truly level playing field for incumbents and challengers alike — a fundamental component of democracy. This bill falls short of meeting that goal.

I had the privilege to serve as Secretary of State — Vermont's top election official — for 12 years and understand well the impacts of our election laws. While this bill does not directly affect me as a candidate for Governor, it would have unfair consequences for other candidates, especially those for the Legislature. Because of my continued commitment to protecting our election process, I cannot support this bill.

I am proud that Vermonters run clean, honest and transparent elections. This bill would undermine that tradition by limiting party involvement and encouraging the swift proliferation of special interest political action committees (PACs). PACs, by design, represent special interests. Political parties, however, are the very framework around which individuals of similar political beliefs can work together toward a common goal, a common good. Unfortunately, this bill favors the special interest over the

common good. It has the regrettable distinction of being influenced by special interest groups with their own self-interest and not the public's interest in mind.

One of the bill's findings states that "in Vermont, campaign expenditures by persons who are not candidates have been increasing and public confidence is eroded when unidentified expenditures are made, particularly during the final days of a campaign." The proposed limits on the activity of parties would not lessen the amount of money spent in a particular race. Instead it would create a vacuum that candidates themselves would be unable to fill. The result would be the empowerment of special interest groups who are poised to fill this void. Their independent actions, fundraising and expenditures without the input, and worse, without the approval of the candidate, are unlimited. This provision would ensure that these well financed, often out-of-state, organizations to run more attack ads and make more independent expenditures than ever before.

An election system once predominantly financed and organized by Vermonters would be influenced more significantly by special interest PACs. No candidate should be at the mercy of these groups. I do not believe that the voice of a candidate should be drowned out by the noise of special interests.

While I make no determination as to the constitutionality of S. 278, like the law rejected as unconstitutional by the Supreme Court of the United States, we can expect that it would be challenged. In fact, the winning attorney in *Randall v. Sorrell* has testified that this bill contains provisions that – in his legal opinion – are most certainly unconstitutional and would result in a challenge. The previous lawsuit took ten years to resolve in court and cost taxpayers nearly \$1.5 million in fees to the prevailing attorneys alone. It is only prudent that as we face challenging economic times we not ignore the possible fiscal impacts of legislation we consider.

I do not believe this is the direction Vermonters want to move in or what anyone except the special interests themselves would consider reform. I again extend to the Legislature my commitment to establish campaign finance standards that are fair and enhance transparency.

Sincerely,
/s/James H. Douglas
Governor"

Adjournment

At eleven o'clock in the forenoon, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at one o'clock in the afternoon.

WEDNESDAY, APRIL 9, 2008

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

Devotional Exercises

Devotional exercises were conducted by Reverend Wendy Manly of Christ Episcopal Church, Montpelier, VT.

Senate Bills Referred

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

S. 350

Senate bill, entitled

An act relating to energy independence and economic prosperity;

To the committee on Rules.

S. 371

Senate bill, entitled

An act relating to the creation of an agency of education and the elimination of the state board of education;

To the committee on Rules.

Bill Referred to Committee on Appropriations

S. 291

Senate bill, entitled

An act relating to the farm agronomic practices program at the Agency of Agriculture, Food and Markets;

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

Third Reading; Bill Passed

H. 230

House bill, entitled

An act relating to legislative appointments to the human rights commission;

Was taken up, read the third time and passed.

Bill Amended; Third Reading Ordered**H. 690**

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

An act relating to Vermont Milk Commission;

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. § 2922 is amended to read:

§ 2922. VERMONT MILK COMMISSION; MEMBERSHIP

(a) There shall be a Vermont milk commission, to consist of ~~seven~~ nine members, one member of which shall be the secretary of agriculture, food and markets. The secretary shall be chair of the commission and serve without compensation. A quorum shall be a majority of the commission. The commission shall act only by an affirmative vote of at least six members. The remaining commission members shall serve for terms of three years, except for the legislative members who shall serve for the term of their election, and be chosen as follows:

* * *

(5) One member from the house committee on agriculture chosen by the speaker and one member from the senate committee on agriculture chosen by the president pro tempore of the senate. For attendance at a meeting when the general assembly is not in session, these two legislative members shall be entitled to the same per diem compensation and reimbursement of necessary expenses as provided members of standing committees under 2 V.S.A. § 406.

~~(b) All expenditures under this subchapter shall be paid from the receipts hereunder.~~

Sec. 2. 6 V.S.A. § 2923 is amended to read:

§ 2923. ADMINISTRATIVE WORK

The Vermont agency of agriculture, food and markets shall perform the administrative work of the commission as directed by the commission. The commission ~~shall~~ may reimburse the agency of agriculture, food and markets for the cost of services performed by the ~~department~~ agency. The commission may enter into contracts with and employ technical experts and other such

officers, agents, and employees as are necessary to effect the purposes of this chapter, and may fix their qualifications, duties, and compensation.

Sec. 3. 6 V.S.A. § 2924 is amended to read:

§ 2924. POWERS AND DUTIES; PRICING AUTHORITY; PUBLIC HEARINGS

* * *

(b) Equitable minimum producer prices. The commission may establish by ~~rule order after notice and hearing~~ an equitable minimum price to be paid to dairy producers for ~~milk produced dairy products~~ sold in Vermont on the basis of the use thereof in the various classes, grades, and forms. ~~Because of the need to react immediately to changing market conditions and prices, an equitable minimum price may be established by emergency rule.~~ Prices so established which exceed federal order prices shall be collected by the commission from the handlers for distribution to dairy producers as a blend price. The cost of administering the collection and distribution of these moneys shall be covered by such moneys, not to exceed \$50,000.00.

* * *

(c) Public hearings. In order to be informed of the status of the state's dairy industry, the commission shall hold a public hearing:

(1) At least annually.

(2) Whenever the price paid to producers in Vermont, including the federal market order price and any over-order premiums, on average, has been reduced \$0.50 or more for the previous month, except when such increase is attributable to normal seasonal changes in price by five percent or more over the last month or by 10 percent or more over the last three months.

(3) Whenever the retail price, on average, has increased by more than \$0.08 10 percent per gallon within a three-month period or \$0.32 15 percent per gallon within a 12-month period.

(4) Whenever the cost of production increases by 10 percent or more within a 12-month period.

(5) Whenever a loss or substantial lessening of the supply of fluid dairy products of proper quality in a specified market has occurred or is likely to occur and that the public health is menaced, jeopardized or likely to be impaired or deteriorated by the loss or substantial lessening of the supply of fluid dairy products of proper quality in a specified market.

* * *

(e) Premiums on handlers and distributors for ~~milk~~ dairy products sold at retail in Vermont. The commission may assess a premium on handlers and distributors for ~~milk~~ dairy products sold at retail in Vermont. The premiums assessed and received shall be paid to the state treasury and deposited in the special fund established pursuant to section 2938 of this chapter. The proceeds of the premium shall be distributed to dairy producers as a blend price. Any applicable provision of subsections 2925(b)-(f) of this title shall apply to the assessment of such premiums. In assessing these premiums, the commission shall also take into account any similar assessments made by other ~~New~~ England states.

Sec. 4. 6 V.S.A. § 2925 is amended to read:

§ 2925. MINIMUM PRODUCER PRICE REGULATION

(a) The commission may make, rescind, or amend ~~a rule~~ an order regulating minimum producer prices if the commission finds that the federal milk marketing order minimum price is adequate or inadequate as the case may be to ensure that the price paid to dairy producers will cover the costs of milk production and provide a reasonable economic return to dairy producers sufficient to ensure a stable milk production and distribution system in Vermont. ~~The commission may amend or rescind a rule without a public hearing when necessary to conform the price with an increase in the federal market order price.~~

(b) Guidelines for setting prices. In setting equitable minimum prices, the commission may investigate and ascertain what are reasonable costs and charges for producing, hauling, handling, processing and any other services performed in respect to fluid dairy products. ~~The board~~ commission shall take into consideration the balance between production and consumption of ~~milk~~ dairy products, the costs of production and distribution, the purchasing power of the public and the price necessary to yield a reasonable return to the ~~producer~~ producers, handlers, and to the distributors.

* * *

(2) Minimum retail prices should reflect the lowest price at which milk purchased from ~~Vermont~~ producers can be received, processed, packaged, and distributed by handlers and distributors at a just and reasonable return.

(3) In establishing minimum producer and retail prices, the commission shall make applicable findings regarding the competitive position of ~~Vermont~~ producers and their costs, handler and distributor costs, and reasonable rates of return, and actual handler and distributor rates of return.

* * *

~~(e) Purchases by or sales to authorized officials of any town or city charity or public welfare department or by charitable organizations approved by the city or town officials for charitable uses, and school lunch milk, shall be exempt from the price fixing provisions of this chapter.~~

(f) This chapter shall apply to milk produced outside the state subject to regulation by the state in the exercise of its constitutional police powers. Any sale or purchase by distributors or handlers of such milk within this state at a price less than a regulated minimum price shall be unlawful.

~~(g) This section shall not apply to a producer handler with an annual production of one million pounds of milk or less.~~

Sec. 5. 6 V.S.A. § 2929 is amended to read:

§ 2929. POWER TO MAKE ORDERS AND CONDUCT HEARINGS;
REGULATIONS

(a) In administering this ~~section and sections 2675, 2725, 2726, 2921-2928, and 2931-2933 of this title~~ chapter, the commission shall have the power to make orders hereunder, conduct hearings, subpoena, and examine under oath producers, handlers, and distributors, their books, records, documents, correspondence, and accounts, and any other person it deems necessary to carry out the purposes and intent of ~~said sections~~ this chapter.

(b) Any order issued under this chapter shall only be made final after a public hearing and after publication of a proposed order for public review and comment for 30 days following the publication of the proposed order.

(c) The commission may adopt, ~~promulgate~~ and enforce such reasonable rules, and regulations, and procedures as are deemed necessary to carry out the administration of the provisions of this section and sections 2675, 2725, 2726, 2921-2928 and 2931-2933 of this title chapter.

Sec. 6. 6 V.S.A. § 2931(a) is amended to read:

(a) Within 20 days after any final order or decision has been made by the commission, any party to the action or proceeding before the commission, or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor. The commission may grant such rehearing if in its opinion good reason therefore is stated in such motion.

Sec. 7. 6 V.S.A. § 2932 is amended to read:

§ 2932. DETERMINATION OF MOTION FOR REHEARING

Upon the filing of a motion for rehearing, the commission shall within ten days, either grant or deny the motion, or suspend the order or decision complained of pending further consideration, ~~and any order of suspension may be upon terms and conditions prescribed by the commission.~~

Sec. 8. 6 V.S.A. § 2938 is added to read:

§ 2938. FUND ESTABLISHED

The Vermont milk commission fund is established in the state treasury and shall be administered by the secretary of agriculture, food and markets in accordance with the provisions of subchapter 5 of chapter 7 of Title 32, except that interest earned on the fund shall be retained in the fund. Proceeds from this chapter shall be deposited into the fund. The fund shall be used as necessary for the purposes of this chapter. The treasurer shall distribute funds as directed by the commission.

Sec. 9. 6 V.S.A. § 2723a(a) is amended to read:

(a) It shall be unlawful for any person to distribute fluid dairy products as a distributor, as defined in this chapter, without a license issued by the ~~commissioner~~ secretary. The ~~commissioner~~ secretary shall license all distributors annually. Application for the license shall be made to the ~~commissioner~~ secretary upon a form furnished by the ~~commissioner~~ secretary. The application shall be accompanied by an annual license fee of \$15.00 for one year or any part thereof. The license period shall be from January 1 to December 31.

Sec. 10. 6 V.S.A. § 2981(b) is amended to read:

(b) Each ~~distributor~~ handler shall pay the ~~Vermont milk commission council~~ each month two cents per hundredweight on all fluid milk sold for consumption within the state of Vermont. Each ~~distributor~~ handler shall file a report and pay the ~~distributor's~~ handler's hundredweight fee to the ~~commission council~~ on forms provided for that purpose, except that ~~distributors~~ handlers who sell less than 100 quarts of fluid milk per day may file reports and pay the prescribed hundredweight fees at the end of each three-month period. In case the same fluid milk is handled by more than one ~~distributor~~ handler, the first ~~distributor~~ handler within the state dealing in or handling the fluid milk shall be the ~~distributor~~ handler within the meaning of this chapter.

Sec. 11. REPEAL

6 V.S.A. §§ 2928, 2930, 2951, and 2987(b) are repealed.

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Johnson of South Hero, for the committee on Appropriations, recommends the bill ought to pass when amended as recommended by the committee on Agriculture and when further amended as follows:

First: In Sec. 2, 6 V.S.A. § 2923, after the period, last sentence, by adding: “The contract remuneration and employment compensation shall be paid from the Vermont milk commission fund and shall be subject to the limitations of section 2924 of this chapter.”

Second: In Sec. 3, 6 V.S.A. § 2924(b), after “paid to dairy producers for” by undoing the striking in “~~milk produced~~” and inserting in lieu thereof “milk produced used in”; and in the last sentence, after “The cost” by inserting “of the contracts and employment pursuant to section 2922 of this title and” and by striking “\$50,000.00” and inserting in lieu thereof “\$100,000.00”

Third: In Sec. 3, 6 V.S.A. § 2924(e), in the first and second sentences, by undoing the striking in “~~milk~~” and inserting in lieu thereof “milk used in”

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

Favorable Report; Third Reading Ordered

S. 222

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

An act relating to the safe haven exception to the crime of abandonment;

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.

Senate Proposal of Amendment Concurred In

H. 338

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

An act relating to state purchasing of apparel, footwear or textiles;

First: In Sec. 1, subdivision (b)(2), by striking out the words “certify that they and, to the best of their knowledge,” and inserting in lieu thereof the words provide certification that

Second: In Sec. 3, 29 V.S.A. § 922(a), in the first sentence, by striking out the words “certify that, to the best of the bidder’s knowledge, each” and

inserting in lieu thereof the words provide certification from each supplier that the

Third: By adding a new Sec. 4 to read as follows:

Sec. 4. EFFECTIVE DATE

This act shall take effect upon passage.

Which proposal of amendment was considered and concurred in.

Action on Bill Postponed

H. 403

House bill, entitled

An act relating to postretirement cost of living adjustments for state employees;

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

Sec. 1. 3 V.S.A. § 455(a)(13) is amended to read:

(13) "Normal retirement date" shall mean:

* * *

(D) with respect to a group F member, the first day of the calendar month next following attainment of age 62, and following completion of five years of creditable service for those members hired on or after July 1, 2004, or completion of 30 years of creditable service, whichever is earlier; and with respect to a group F member first included in the membership of the system on or after July 1, 2008, the first day of the calendar month next following attainment of age 65 and following completion of five years of creditable service, or attainment of 87 points reflecting a combination of the age of the member and number of years of service, whichever is earlier.

Sec. 2. 3 V.S.A. § 459(b)(5) is amended to read:

§ 459. NORMAL AND EARLY RETIREMENT

* * *

(b) Normal retirement allowance.

* * *

(5)(A) Until January 1, 1995, upon normal retirement, a group F member shall receive a normal retirement allowance which shall be equal to 1-1/4 percent of his average final compensation times years of creditable service. On

and after January 1, 1995, upon normal retirement, a group F member shall receive a normal retirement allowance equal to 1-1/4 percent of the member's average final compensation times years of membership service prior to January 1, 1991 plus a pension which when added to an annuity shall be equal to 1-2/3 percent of the member's average final compensation times years of membership service on and after January 1, 1991. The maximum retirement allowance shall be 50 percent of average final compensation.

(B) A group F member first included in the membership of the system on or after July 1, 2008, upon normal retirement, shall receive a normal retirement allowance equal to 1-2/3 percent of the member's average final compensation times years of membership service. The maximum retirement allowance shall be 60 percent of average final compensation.

* * *

(d) Early retirement allowance.

* * *

(2)(A) Upon early retirement, a group F member, except facility employees of the department of corrections, and department of corrections employees who provide direct security and treatment services to offenders under supervision in the community and Woodside facility employees, shall receive an early retirement allowance which shall be equal to the normal retirement allowance reduced by one-half of one percent for each month the member is under age 62 at the time of early retirement. Group F members who have 20 years of service as facility employees of the department of corrections, as department of corrections employees who provide direct security and treatment services to offenders under supervision in the community or as Woodside facility employees or as Vermont state hospital employees who provide direct patient care shall receive an early retirement allowance which shall be equal to the normal retirement allowance at age 55 without reduction; provided the 20 years of service occurred in one or more of the following capacities as an employee of the department of corrections, Woodside facility [or Vermont state hospital]: facility employee, community service center employee or court and reparative service unit employee.

(B) Upon early retirement, a group F member first included in the membership of the system on or after July 1, 2008, except facility employees of the department of corrections and department of corrections employees who provide direct security and treatment services to offenders under supervision in the community and Woodside facility employees, shall receive an early retirement allowance which shall be equal to the normal retirement allowance reduced by:

(i) one-eighth of one percent for each month the member is under age 65, provided the member has accrued 35 years of service at the time of early retirement;

(ii) one-quarter of one percent for each month the member is under age 65, provided the member has accrued 30 years of service but less than 35 years of service at the time of early retirement;

(iii) one-third of one percent for each month the member is under age 65, provided the member has accrued 25 years of service but less than 30 years of service at the time of early retirement;

(iv) five-twelfths of one percent for each month the member is under age 65, provided the member has accrued 20 years of service but less than 25 years of service at the time of early retirement;

(v) five-ninths of one percent for each month the member is under age 65, provided the member has accrued less than 20 years of service at the time of early retirement .

* * *

Sec. 3. 3 V.S.A. § 470(b) is amended to read:

(b) For group F members, as of June 30 in each year, commencing January 1, 1991, a determination shall be made of the increase or decrease, to the nearest one-tenth of a percent of the Consumer Price Index for the preceding fiscal year. The retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31st shall be increased or decreased, as the case may be, by an amount equal to one-half of the percentage increase or decrease. Commencing January 1, 2014, the retirement allowance of each beneficiary who was an active contributing member of the group F plan as of June 30, 2008 and who retires on or after July 1, 2008 shall be increased or decreased, as the case may be, by an equal percentage of the Consumer Price Index for the preceding year. The increase or decrease shall commence on the January 1st immediately following such December 31st. The adjustment shall apply to group F members receiving an early retirement allowance only in the year following attainment of age 62, provided the member has received benefits for at least 12 months as of December 31 of the year preceding any January adjustment. The maximum adjustment of any retirement allowance resulting from any such determination shall be five percent and the minimum shall be one percent, and no retirement allowance shall be reduced below the amount payable to the beneficiary without regard to the provisions of this section.

Sec. 4. 3 V.S.A. § 473(b)(2) is amended to read:

(2) Contributions shall be made on and after the date of establishment at the rate of five percent of compensation except at a rate of 6.18 percent of compensation for each group C member unless ~~such the~~ member was a group C member on June 30, 1998 in which case contributions shall be at the rate of six percent of compensation for each ~~such~~ group C member who has elected not to have his or her compensation from the state be subject to Social Security withholding or at the rate of five percent of compensation if ~~such the~~ member elected to have compensation from the state subject to Social Security withholding and at the rate of 3.25 five percent of compensation for each group F member and, commencing July 1, 2019, at the rate of 4.75 percent of compensation for each group F member. In determining the amount earnable by a member in a payroll period, the retirement board may consider the annual or other periodic rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as, on an annual basis, shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is to be made. Each of the amounts shall be deducted until the member retires or otherwise withdraws from service, and when deducted shall be paid into the annuity savings fund, and shall be credited to the individual account of the member from whose compensation the deduction was made.

Sec. 5. 3 V.S.A. § 473(c) is amended to read:

(c) Employer contributions, earnings, and payments.

* * *

(2) Beginning with the actuarial valuation as of June 30, 2006, the contributions to be made to the fund by the state shall be determined on the basis of the actuarial cost method known as "entry age normal." On account of each member there shall be paid annually into the fund by the state an amount equal to a certain ~~percentage percentages~~ of the annual earnable compensation of such member, to be known as the "normal contribution," and an additional ~~amount amounts~~ equal to a certain percentage of the member's annual earnable compensation, to be known as the "basic accrued liability-" and "additional accrued liability" contributions. The percentage ~~rate rates~~ of ~~such the~~ contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuation.

* * *

(4)(A) Until the unfunded accrued liability, excluding the portion described in subdivision (B) of this subdivision (4), is liquidated, the basic accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a period of 30 years from July 1, 1988, provided that the amount of each annual basic accrued liability contribution after June 30, 1988 shall be five percent greater than the preceding annual basic accrued liability contribution. Any variation in the contribution of normal, basic, or unfunded accrued liability or additional unfunded accrued liability contributions from those recommended by the actuary and any actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the 30-year period.

(B) Until the additional unfunded accrued liability created as of July 1, 2008, by the implementation of a group F cost-of-living adjustment equal to the full increase or decrease, to the nearest one-tenth of a percent of the Consumer Price Index for the preceding fiscal year as provided in subsection 470(b) of this title, is liquidated, the additional accrued liability contribution, shall be the annual payment required to liquidate the additional unfunded accrued liability over a period of 30 years from July 1, 2008, provided that the amount of each annual additional accrued liability contribution made after June 30, 2009 shall be five percent greater than the preceding annual additional accrued liability contribution.

* * *

Sec. 6. 3 V.S.A. § 479(a) is amended and (g) is added to read:

(a) As provided under section 631 of this title, a member who is insured by the respective group insurance plans immediately preceding the member's effective date of retirement shall be entitled to continuation of group insurance as follows:

(1)(A) coverage in the group medical benefit plan provided by the state of Vermont for active state employees; or

(B) for a group F plan member first included in the membership of the system on or after July 1, 2008, coverage in the group medical benefit plan offered by the state of Vermont for active state employees and pursuant to the following, provided:

(i) a member who has completed five years and less than 10 years of creditable service at his or her retirement shall pay the full cost of the premium;

(ii) a member who has completed 10 years and less than 15 years of creditable service at his or her retirement shall pay 60 percent of the cost of the premium;

(iii) a member who has completed 15 years and less than 20 years of creditable service at his or her retirement shall pay 40 percent of the cost of the premium;

(iv) a member who has completed 20 years or more of creditable service at his or her retirement shall pay 20 percent of the cost of the premium;
and

(2) members who have completed 20 years of creditable service at their effective date of retirement shall be entitled to the continuation of life insurance in the amount of ~~\$5,000.00~~ \$10,000.00.

(g) A member of the group F plan who is first included in the membership of the system on or after July 1, 2008, who separates from service prior to being eligible for retirement benefits under this chapter, who have at least 20 years of creditable service, and who participated in the group medical benefit plan at the time of separation from service shall have a one-time option at the time retirement benefits commence to reinstate the same level of coverage, in the group medical benefit plan provided by the state of Vermont for active state employees, that existed at the date of separation from service. Premiums for the plan shall be prorated between the retired member and the retirement system pursuant to subsection 479(a) of this title.

Sec. 7. 3 V.S.A. § 631(a)(9) is amended to read:

(9) The amount of life insurance for any retired employee shall be reduced and limited to ~~\$5,000.00~~ \$10,000.00 on the date of his or her retirement. The provisions of this section shall apply to all retirees who complete 20 creditable years of service with the state before their retirement and are insured for group life insurance on their retirement dates. The total premiums for group life insurance provided under this section and section 632 of this title shall be paid by the state on behalf of employees retired in accordance with the terms of subdivision (2) of this subsection, on behalf of employees who are on sick leave without pay for a period not to exceed twelve months and on behalf of any employee on disability retirement until proof of total and permanent disability has been accepted by the insurance company.

Pending the question, Shall the House concur in the Senate proposal of amendment? on motion of Rep. Sweaney of Windsor, action on the bill was postponed until Thursday, April 17, 2008.

Message from the Senate No. 51

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. 616. An act relating to farm-fresh milk.

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

Adjournment

At two o'clock in the afternoon, on motion of **Rep. Adams of Hartland**, the House adjourned until tomorrow at one o'clock in the afternoon.

THURSDAY, APRIL 10, 2008

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

Devotional Exercises

Devotional exercises were conducted by Reverend Jerry Breen of the Worcester United Methodist Church, Worcester, VT.

Message from the Senate No. 52

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 bill originating in the House of the following title:

H. 876. An act relating to approval of amendment to the charter of the town of Middlebury.

And has passed the same in concurrence.

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.

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

S. 350

Rep. Adams of Hartland moved that the Committee on Rules be relieved of Senate bill entitled

An act relating to energy independence and economic prosperity;

And that the bill be committed to the committee on Natural Resources and Energy, which was agreed to.

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

S. 371

Rep. Adams of Hartland moved that the Committee on Rules be relieved of Senate bill entitled

An act relating to the creation of an agency of education and the elimination of the state board of education;

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

Bill Called Up

H. 689

Rep. Shand of Weathersfield called up House bill, entitled

An act relating to utility prescriptive rights;

Which had been ordered to lie. Thereupon, under the rule, the bill was ordered placed on the Calendar for action on the next legislative day.

Bill Amended, Read Third Time and Passed

H. 690

House bill, entitled

An act relating to Vermont Milk Commission;

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

First: In Sec. 3, by striking 6 V.S.A. § 2924(c)(4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows:

(4) Whenever the cost of production increases by 10 percent or more within a period of 3 to 12 months.

Second: In Sec. 5, 6 V.S.A. § 2929(b), after “shall” by striking “only” and after “final” by inserting “only”

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

Third Reading; Bill Passed in Concurrence

S. 222

Senate bill, entitled

An act relating to safe haven exception to the crime of abandonment;

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

Bill Amended; Third Reading Ordered

H. 755

Rep. Bray of New Haven, for the committee on Agriculture, to which had been referred House bill, entitled

An act relating to economic development of the forestry and forest products industries;

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 finds that:

(1) The forests of Vermont are integral to the economy, culture, beauty, and appeal of the state.

(2) The annual contributions of forest-based manufacturing and forest-related recreation and tourism contribute \$1.5 billion to the Vermont economy annually.

(3) Revenues from forest-related recreation and tourism activities totaled \$485 million in 2005.

(4) Forest-based manufacturing contributes approximately 10 percent of Vermont’s total manufacturing sales.

(5) The forest-based manufacturing industry provides employment for 6,379 people and generates a payroll of over \$207.4 million.

(6) Forest-based recreation and tourism provide employment for over 6,300 people and generate payrolls of \$93.0 million.

(7) Each 1,000 acres of forest land in Vermont supports 1.4 forest-based manufacturing, forestry, and logging jobs and 1.4 forest-related tourism and recreation jobs.

(8) Wood provides the energy for approximately six percent of electrical and heating use in Vermont.

(9) The forests of Vermont help maintain the environment and health of Vermont by aiding the filtering of clean water and clean air and by providing wildlife habitat to a diversity of animals.

(10) Despite the significant, unparalleled contributions of the forests, forest-based manufacturing, and forest-related recreation and tourism to the state's economy, jobs, energy, and environment, the forestry and forest products industries receive considerably less support and financial assistance than those afforded other Vermont industries, such as agriculture.

Sec. 2. 10 V.S.A. chapter 85 is added to read:

CHAPTER 85. VALUE-ADDED FORESTRY AND FOREST PRODUCTS

Subchapter 1. General Provisions

§ 2701. POLICY

It is the policy of the state to encourage the sustainable management and use of its forests and woodlands; to preserve the natural beauty of the state's forests and woodlands; to protect its wildlife; to preserve and protect the forest environment and health; and to promote, foster, and encourage the forestry and forest products industries of the state. To achieve these goals, the general assembly declares it to be in the best interests of the state to promote opportunities and markets for value-added forest products. Fostering and enhancing the value-added forestry markets will help the state retain and expand the state's forest products manufacturing sector, will retain manufacturing jobs within the state, and will protect the health and viability of the forest environment.

Subchapter 2. Forestry and Forest Products Viability Program

§ 2721. VERMONT FORESTRY AND FOREST PRODUCTS VIABILITY PROGRAM

(a) The Vermont forestry and forest products viability program is a voluntary program established at the department of forests, parks and

recreation to provide assistance to Vermont timber harvesters, foresters, and forest products manufacturers to enhance the financial success and long-term viability of the Vermont forest products industry. In administering the program, the commissioner shall:

(1) Collaborate with the Vermont housing and conservation board, the members of the Vermont wood products marketing council, the Vermont woodlands association, the Vermont loggers association, state agencies, federal agencies, private entities, and service groups to develop, coordinate, and provide technical and financial assistance to Vermont timber harvesters, foresters, and forest products manufacturers.

(2) Include teams of experts to assist timber harvesters, foresters, and forest products manufacturers in areas such as assessing business resources and potential; researching, developing, and adopting new technologies; improving product quality; developing value-added products; finding and reaching new markets; improving and refining existing markets; and lowering costs of production for Vermont's forest products sector.

(3) Encourage economic development through investing in improvements to essential infrastructure and the promotion of timber harvesters, foresters, and forest products manufacturers in Vermont.

(4) Enter into agreements with private organizations or individuals or with any agency or instrumentality of the United States or of this state and employ technical experts to carry out the purposes of this section.

(5) In consultation with the Vermont housing and conservation board, other state agencies, foresters, harvesters, and forest products manufacturers establish:

(A) enrollment criteria for the forestry and forest products viability program created by this section;

(B) criteria for awarding grants from the forestry and forest products viability program special fund created by subsection (b) of this section. The grant criteria shall include at least the following requirements:

(i) the grant recipients shall be enrolled in and committed to participating in the forestry and forest products viability program;

(ii) the grant application is developed in consultation with timber harvesters, foresters, or forest products manufacturers;

(iii) the use of the funds will improve the economic viability of a timber harvester, forester, or forest products manufacturer.

(C) performance goals, evaluative measures, and other criteria to implement and evaluate the effectiveness of the forestry and forest products viability program;

(b)(1) The forestry and forest products viability program special fund is established in the state treasury and shall be administered by the commissioner of forests, parks and recreation in accordance with the provisions of subchapter 5 of chapter 7 of Title 32, except that interest earned on the fund shall be retained in the fund. The fund shall be used only for the purpose of implementing and effectuating the forestry and forest products viability program established by this section. Any monies appropriated by the general assembly or received by the commissioner of forests, parks and recreation from any other source, public or private, shall be deposited in the fund. The fund shall be used only for the purposes of:

(A) providing funds for the forestry and forest products viability program as established in this section;

(B) providing funds to enrolled timber harvesters, foresters, or forest products manufacturers;

(C) providing funds to service providers for administrative expenses of the program; and

(D) leveraging other competitive public and private funds, grants, and contributions for the forestry and forest products viability program.

(2) The commissioner of forests, parks and recreation may solicit federal funds, grants, and private contributions for the forestry and forest products viability program.

(c)(1) The commissioner of forests, parks and recreation shall report in writing to the senate and house committees on agriculture and the senate and house committees on natural resources and energy on or before January 31 of each year with a report on the activities and performance of the forestry and forest products viability program. At a minimum, the report shall include:

(A) an evaluation of the program utilizing the performance goals and evaluative measures established pursuant to subdivision (a)(5)(C) of this section;

(B) a summary of the money received in the fund and expended from the fund;

(C) an estimate of the financial impact of the Vermont forestry and forest products viability program on the forestry and forest products industries; and

(D) an assessment of the potential demand for the program over the succeeding three years.

(2) The department of forests, parks and recreation shall include in its annual budget request funds to carry out this initiative.

Sec. 3. DEPARTMENT OF FORESTS, PARKS AND RECREATION
REPORT ON SUSTAINABLE CERTIFICATION OF STATE
FOREST LANDS

On or before January 15, 2009, the commissioner of forests, parks and recreation shall report to the house and senate committees on agriculture, and the house and senate committees on natural resources and the environment regarding the feasibility of certifying the management of and sourcing of materials from state forests under the forest stewardship council (FSC) chain of custody, the sustainable forestry initiative (SFI), and the American tree farm system (ATFS) standards. The report shall include:

(1) A summary of the requirements for certification under the FSC, the SFI, and the ATFS standards;

(2) An estimate of the economic value to the Vermont forestry and forest products industries of certification;

(3) An estimate of the financial cost to the department of forests, parks and recreation to conduct certification of all state forest land;

(4) An analysis of how certification standards could be of benefit in emerging carbon markets;

(5) A recommendation as to whether the department of forests, parks and recreation should certify Vermont state forest land under the FSC, the SFI, and the ATFS standards; and

(6) A recommendation as to whether the department should establish a program under which a certain percentage of timber sales from state forest lands will be reserved for sale to value-added forest products manufacturers in Vermont.

Rep. Helm of Castleton, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Agriculture.

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

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

First: In Sec. 2, 10 V.S.A. § 2721(a)(2), after “manufacturers in” by inserting “developing business plans in”

Second: In Sec. 2, 10 V.S.A. § 2721(b)(1), in the third sentence, after “commissioner of forests, parks and recreation” by inserting “for this program”

Third: In Sec. 2, by striking 10 V.S.A. § 2721(c) and inserting in lieu thereof:

(c) The commissioner of forests, parks and recreation shall report in writing to the senate and house committees on agriculture and the senate and house committees on natural resources and energy on or before January 31 of each year on the activities and performance of the forestry and forest products viability program. At a minimum, the report shall include:

(1) an evaluation of the program utilizing the performance goals and evaluative measures established pursuant to subdivision (a)(5)(C) of this section;

(2) a summary of the money received in the fund and expended from the fund;

(3) an estimate of the financial impact of the Vermont forestry and forest products viability program on the forestry and forest products industries; and

(4) an assessment of the potential demand for the program over the succeeding three years.

Fourth: In Sec. 3, in the first sentence, after “commissioner of forests, parks and recreation” by inserting “, in consultation with the Vermont sustainable jobs fund, the Vermont Woodlands Association, the Associated Industries of Vermont, and the Vermont Loggers Association,”

Fifth: In Sec. 3, subdivision (5), after “the SFI,” by striking “and” and inserting in lieu thereof “or”

Which was agreed to and third reading of the bill was ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 146

Rep. Clerkin of Hartford, for the committee on commerce, to which had been referred Senate bill, entitled

An act relating to advertising and producing musical performers;

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

In Sec. 1. 9 V.S.A. § 2479a(b)(3) between the words “is” and “identified” by adding the word “conspicuously”

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

Bill Committed

H. 859

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

An act relating to increasing substance abuse treatment, vocational training, and transitional housing for offenders in order to reduce recidivism, increase public safety, and reduce corrections costs;

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

Sec. 1. FINDINGS AND INTENT

(a) The general assembly finds that:

(1) Vermont's incarcerated population is growing at an unsustainable rate.

(2) Property and drug offenders are the fastest growing segment of the prison population. Between 2000 and 2006, over half the increase in the felony prison population was due to property and substance abuse offenses.

(3) Seventy-seven percent of those sentenced for a property or drug felony have a substance abuse disorder. Two-thirds of them report having received mental health treatment in the past. Fifty-five percent report being frequently unemployed prior to incarceration.

(4) Of those incarcerated for a property or drug felony, only 13 percent are receiving treatment.

(b) The general assembly further finds that:

(1) Each month approximately 70 inmates meet the criteria for reentering the community under the supervision of the commissioner of corrections on conditional reentry status. However, almost half are not released because of insufficient housing options.

(2) Studies show that the length of sentences served by offenders does not affect their recidivism rates. Therefore, current law authorizes the commissioner of corrections to release certain offenders on reintegration furlough 90 days prior to the minimum sentence date. However, on average, eligible inmates serve only 53 days in reintegration furlough status. If all those who are eligible serve the full 90 days of reintegration status, the result could be a savings of up to 90 corrections beds.

(c) Therefore, in order to reduce recidivism, increase public safety, and reduce the cost to the state of incarcerating offenders, it is the intent of the general assembly to increase substance abuse treatment services, vocational training, and transitional housing available to offenders; and establish processes for reducing incarceration time when appropriate.

(d) It is further the intent of the general assembly that the provisions of this act are a long-range plan to guide expenditures from additional corrections savings in future years.

(e) The general assembly recognizes and values the dedication and experience of the classified state employees of the department of corrections, whose skill and expertise will continue to be needed as the department continues to pursue its goals and mission.

(f) The general assembly intends the following results from the restructuring necessary to achieve the cost savings required for this act:

(1) The incumbents in the five classified positions that will be eliminated at Northwest State Correctional Facility shall continue to be employed at that facility in classified positions that are vacant, unless the incumbents voluntarily seek employment in other state positions or leave state service.

(2) The temporary and exempt superintendent positions at the Dale facility shall be eliminated.

(3) An incumbent in a classified position that will be eliminated at the Dale facility who does not accept any existing vacant classified position and who exercises the contractual right to fill an existing temporary position at any department facility shall receive his or her classified position base salary and the benefits of the bargaining unit to which that temporary position would be assigned if permanent, with the exceptions of scheduling days of work, shift assignment, and post assignment. The rights established by this subdivision shall be available until January 1, 2011, or until an affected employee accepts an existing classified position, whichever occurs first.

(4) Except as otherwise provided in this section, all existing state employee contract provisions and protections shall remain fully in force for any affected corrections employee covered by the contract.

Sec. 2. 28 V.S.A. § 1(b) is amended to read:

(b) The department shall formulate its programs and policies recognizing that almost all criminal offenders ultimately return to the community, and that the traditional institutional prisons fail to reform or rehabilitate, operating instead to increase the risk of continued criminal acts following release. The department shall develop and implement a comprehensive program which will provide necessary closed custodial confinement of frequent, dangerous offenders, but which also will establish as its primary objective the disciplined preparation of offenders for their responsible roles in the open community. The department shall ensure that the comprehensive program required by this subsection includes a process by which each offender sentenced to any term of imprisonment other than for life without parole, within 30 days after receiving his or her sentence, shall begin to develop and implement a plan preparing for return to the community. The department shall assess each offender for substance abuse treatment needs using an assessment tool designed to assess the suitability of a broad range of treatment services and shall use the results of this assessment in preparing the reentry plan. The department may assess an offender sentenced to a minimum term of more than five years later than 30 days after the offender receives the sentence but shall assess the offender at least within a year of the offender's receiving the sentence.

Sec. 3. 28 V.S.A. § 102(b) is amended to read:

(b) The commissioner is charged with the following powers:

* * *

(5) To order the assignment and transfer of persons committed to the custody of the commissioner to correctional facilities, including out-of-state facilities.

* * *

Sec. 4. 28 V.S.A. § 202 is amended to read:

§ 202. POWERS AND RESPONSIBILITIES OF THE COMMISSIONER REGARDING PROBATION

The commissioner shall be charged with the following powers and responsibilities regarding the administration of probation:

(1) To maintain general supervision of persons placed on probation, and to prescribe rules and regulations, consistent with any orders of the court, governing the conduct of such persons;

(2) To supervise the administration of probation services and establish policies and standards and make rules and regulations regarding probation investigation, supervision, case work and case loads, record keeping, and the qualification of probation officers. The commissioner may use electronic monitoring equipment such as global position monitoring, automated voice recognition telephone equipment, and transdermal alcohol monitoring equipment to enable more effective or efficient supervision of individuals placed on probation. Transdermal alcohol monitoring equipment shall be used for such purposes as preventing persons whose licenses have been suspended for DUI from operating motor vehicles on Vermont highways.

Sec. 5. 28 V.S.A. § 205 is amended to read:

§ 205. PROBATION

(a)(1) After passing sentence, a court may suspend all or part of the sentence and place the person so sentenced in the care and custody of the commissioner upon such conditions and for such time as it may prescribe in accordance with law or until further order of court.

(2) The term of probation for misdemeanors shall be for a specific term not to exceed two years unless the court, in its sole discretion, specifically finds that the interests of justice require a longer or an indefinite period of probation.

(3)(A) The term of probation for nonviolent felonies shall not exceed the statutory maximum term of imprisonment for the offense unless the court, in its sole discretion, specifically finds that the interests of justice require a longer or an indefinite period of probation.

(B) As used in this subdivision, "nonviolent felonies" means an offense which is not:

(i) a listed crime as defined in subdivision 5301(7) of Title 13; or

(ii) an offense involving sexual exploitation of children in violation of chapter 6 of Title 13.

(4) Nothing in this subsection shall prevent the court from terminating the period of probation and discharging a person pursuant to section 251 of this title.

(5) The probation officer of a person on probation for a specific term shall review the person's case file during probation and, not less than 45 days

prior to the expiration of the probation term, may file a petition with the court requesting the court to extend the period of probation for a specific term not to exceed one year in order to provide the person the opportunity to complete programming consistent with special conditions of probation. A hearing on the petition for an extension of probation under this subsection shall comply with the procedures set forth in Rule 32.1 of the Vermont Rules of Criminal Procedure.

(b) The victim of a listed crime as defined in 13 V.S.A. § 5301(7) for which the offender has been placed on probation shall have the right to request, and receive from the department of corrections information regarding the offender's general compliance with the specific conditions of probation. Nothing in this section shall require the department of corrections to disclose any confidential information revealed by the offender in connection with participation in a treatment program.

(c)(1) Unless the court in its discretion finds that the interests of justice require additional standard and special conditions of probation, when the court orders a specific term of probation for a qualifying offense, the only conditions of probation shall be that the probationer:

(A) register with the department of corrections' probation and parole office in his or her district;

(B) notify the probation officer of his or her current address each month; and

(C) not have probable cause found for a criminal offense during the term of probation.

(2) As used in this subsection, "qualifying offense" means:

(A) Unlawful mischief under 13 V.S.A. § 3701.

(B) Retail theft under 13 V.S.A. §§ 2575 and 2577.

(C) Operating after suspension or revocation of license under 23 V.S.A. § 674(a).

(D) Bad checks under 13 V.S.A. § 2022.

(E) Theft of services under 13 V.S.A. § 2582.

(F) Disorderly conduct under 13 V.S.A. § 1026, unless the original charge was a listed offense as defined in 13 V.S.A. § 5301(7).

(G) Theft of rented property under 13 V.S.A. § 2591.

(H) Operation without consent of owner under 23 V.S.A. § 1094(a).

(I) Petit larceny under 13 V.S.A. § 2502.

(J) Negligent operation of a motor vehicle under 23 V.S.A.

§ 1091(a).

(K) False reports to law enforcement under 13 V.S.A. § 1754.

(L) Setting fires under 13 V.S.A. § 508.

(M) A first offense of a minor's misrepresenting age, procuring, possessing, or consuming liquors under 7 V.S.A. § 657.

(N) Simple assault by mutual consent under 13 V.S.A. § 1023(b).

(O) Unlawful trespass under 13 V.S.A. § 3705(a).

(P) A first offense of possession under 18 V.S.A. § 4230(a)(1).

Sec. 6. 28 V.S.A. § 252(b) is amended and (d) is added to read:

(b) When imposing a sentence of probation, the court may, as a condition of probation, require that the offender:

* * *

(16) Satisfy any other conditions reasonably related to his or her rehabilitation. The court shall not impose a condition prohibiting the offender from engaging in any legal behavior unless the condition is reasonably related to the offender's rehabilitation.

(d) The commissioner shall review the record of each probationer serving a specified term during the month prior to the midpoint of that probationer's specified term and may file a motion requesting the sentencing court to dismiss the probationer from probation or deduct a portion of the specified term from the period of probation if the offender has successfully completed a program or has attained a goal or goals specified by the conditions of probation. The commissioner may include in the motion a request that the court deduct a portion of the specified term for each condition completed or goal attained. Any motion under this section shall be made at the sole discretion of the commissioner pursuant to a rule adopted by the commissioner under 3 V.S.A. chapter 25.

Sec. 7. 28 V.S.A. § 256 is added to read:

§ 256. CASELOAD CAPACITY; HIGH RISK OFFENDERS

(a) Probation officers designated to work exclusively with offenders 21 years of age and younger shall have caseloads of no more than 25 youths.

(b) The department shall review the severity of offenses and assess the risk to reoffend of all offenders older than 21 years of age under its jurisdiction in the community and assign one of the following levels of supervision to each offender:

(1) Risk management supervision, which shall mean supervision at a level of intensity that includes case planning and measures to reduce risk of reoffense.

(2) Response supervision, which shall mean monitoring of the offender's compliance with conditions of probation or parole, including staff responding to violation behavior.

(3) Administrative supervision, which shall mean monitoring of the offender's address and compliance with the law.

(c) An offender may be reassigned to a lower supervision level after a reassessment of the offender's risk.

(d) The department shall establish the following probation officer caseload ranges for offender profiles:

(1) All listed offenders requiring risk management shall be supervised at no more than 45 offenders per probation officer.

(2) All nonlisted offenders requiring risk management shall be supervised at no more than 60 offenders per probation officer.

(3) All offenders requiring response supervision shall be supervised at no more than 150 offenders per probation officer.

(4) All offenders requiring administrative supervision may be supervised on caseloads consistent with the capacity of automated status reporting systems as established by the department.

(5) When there is a mixed profile caseload in which a single probation officer supervises offenders with different supervision levels and at least one-third of the offenders require a more intensive supervision demand than the other offenders, the caseload shall be supervised at the lowest level of offender-to-staff ratio.

(e) If the caseloads established in subsection (d) of this section are exceeded for longer than 120 days, the commissioner shall be authorized to designate community correctional officers to partially augment staffing caseloads. If such designation does not remedy the excess caseloads:

(1) The commissioner shall report to the joint corrections oversight committee the causes for the excess and proposals for addressing them.

(2) The department shall have the authority, if the commissioner believes that the excess will not be eliminated within 60 days, to hire persons from the states position vacancy pool as limited service employees for an initial period of up to one year. The initial period may be extended for up to two more years if the department deems it necessary.

(f) Each time a position is established under subdivision (e)(2) of this section, the commissioner shall report it at the next meeting of the joint corrections oversight committee. The costs for each position shall be presented in the department's budget adjustment proposal and, if the positions are necessary for an ongoing period, in the department's annual budget request.

Sec. 8. 28 V.S.A. § 403(1) is amended to read:

(1) To supervise and control persons placed on parole, subject to the rules and orders of the parole board as to the conditions of parole. The commissioner may use electronic monitoring equipment such as global position monitoring, automated voice recognition telephone equipment, and transdermal alcohol monitoring equipment to enable more effective or efficient supervision of individuals placed on parole. Transdermal alcohol monitoring equipment shall be used for such purposes as preventing persons whose licenses have been suspended for DUI from operating motor vehicles on Vermont highways;

Sec. 9. 28 V.S.A. § 723(c) is added to read:

(c) Prior to release under this section, the department shall screen and, if appropriate, assess each felony drug and property offender for substance abuse treatment needs using an assessment tool designed to assess the suitability of a broad range of treatment services, and it shall use the results of this assessment in preparing a reentry plan. The department shall attempt to identify all necessary services in the reentry plan and work with the offender to make connections to necessary services prior to release so that the offender can begin receiving services immediately upon release.

Sec. 10. 28 V.S.A. § 808(a)(8) is amended to read:

(8) To prepare for reentry into the community.

* * *

(E) An offender incarcerated for driving while under the influence of alcohol under 13 V.S.A. § 1210(d) or (e) may be furloughed to the community up to 180 days prior to completion of the minimum sentence at the commissioner's discretion and in accordance with rules adopted pursuant to subdivision (C) of this subdivision (8), provided that an offender sentenced to a minimum term of fewer than 270 days shall not be eligible for furlough under

this subdivision until the offender has served at least 90 days of his or her minimum term of incarceration and provided that the commissioner uses electronic equipment to monitor continually the offender's location and blood alcohol level.

(F) Prior to release under this subdivision (8), the department shall screen, and if appropriate, assess each felony drug and property offender for substance abuse treatment needs using an assessment tool designed to assess the suitability of a broad range of treatment services, and it shall use the results of this assessment in preparing a reentry plan. The department shall attempt to identify all necessary services in the reentry plan and work with the offender to make connections to necessary services prior to release so that the offender can begin receiving services immediately upon release.

Sec. 11. 28 V.S.A. § 808(b) is amended to read:

(b) An inmate granted a furlough pursuant to this section may be accompanied by an employee of the department, in the discretion of the commissioner, during the period of the inmate's furlough. The department may use electronic monitoring equipment such as global position monitoring, automated voice recognition telephone equipment and transdermal alcohol monitoring equipment to enable more effective or efficient supervision of individuals placed on furlough.

Sec. 12. 33 V.S.A. § 708 is amended to read:

§ 708. TREATMENT AND SERVICES

* * *

(d) A person judged by a law enforcement officer to be incapacitated, and who has not been charged with a crime, may be lodged in protective custody in ~~a lockup or community correctional center~~ secure facility not operated by the department of corrections for up to 24 hours or until judged by the person in charge of the facility to be no longer incapacitated, if and only if:

(1) The person refuses to be transported to an appropriate facility for treatment, or if once there, refuses treatment or leaves the facility before he or she is considered by the responsible staff of that facility to be no longer incapacitated; or

(2) No approved substance abuse treatment program with detoxification capabilities and no staff physician or other medical professional at the nearest licensed general hospital can be found who will accept the person for treatment.

(e) No person shall be lodged in a ~~lockup or community correctional center~~ secure facility not operated by the department of corrections under subsection (d) of this section without first being evaluated by a substance abuse crisis team, a designated substance abuse counselor, a clinical staff person of an approved substance abuse treatment program with detoxification capabilities or a professional medical staff person at a licensed general hospital emergency room and found to be indeed incapacitated.

(f) No ~~lockup or community correctional center~~ secure facility not operated by the department of corrections shall refuse to admit an incapacitated person in protective custody whose admission is requested by a law enforcement officer, in compliance with the conditions of this section.

(g) Notwithstanding subsection (d) of this section, a person under 18 years of age who is judged by a law enforcement officer to be incapacitated and who has not been charged with a crime shall not be held at a lockup or community correctional center. If needed treatment is not readily available the person shall be released to his or her parent or guardian. If the person has no parent or guardian in the area, arrangements shall be made to house him or her according to the provisions of chapter 55 of this title. The official in charge of an adult jail or lockup shall notify the director of the office of drug and alcohol abuse of any person under the age of 18 brought to an adult jail or lockup pursuant to this chapter.

(h) If an incapacitated person in protective custody is lodged in a ~~lockup or community correctional center~~ secure facility not operated by the department of corrections, his or her family or next of kin shall be notified as promptly as possible. If the person is an adult and requests that there be no notification, his or her request shall be respected.

(i) A taking into protective custody under this section is not an arrest.

(j) Law enforcement officers or persons responsible for supervision in a ~~lockup or community correctional center~~ secure facility not operated by the department of corrections or members of a substance abuse crisis team or designated substance abuse counselors who act under the authority of this section are acting in the course of their official duty and are not criminally or civilly liable therefor, unless for gross negligence or willful or wanton injury.

Sec. 13. 33 V.S.A. § 708a is added to read:

§ 708a. INCARCERATION FOR INEBRIATION PROHIBITED

No person who has not been charged with a crime shall be incarcerated in a facility operated by the department of corrections on account of the person's inebriation.

Sec. 14. TRANSITION UNITS

(a) The general assembly intends in this act to provide the opportunity for a successful transition to offenders who are eligible for release into the community.

(b) The department of corrections shall establish a transition unit within the Northwest State Correctional Facility which enables inmates to work in the community while residing in the facility. The unit shall be modeled on the transition unit at the Chittenden Regional Correctional Facility.

(c) The department shall make every effort to incorporate a transition unit into any facility where renovations are necessary to implement the provisions of this act.

(d) The department shall report to the corrections oversight committee on or before September 30, 2008, on the implementation of this section, including a plan for establishing transition units at all state correctional facilities.

Sec. 15. BUDGETARY SAVINGS ALLOCATIONS IN FISCAL YEARS 2009 AND 2010

(a) Findings. Department of corrections expenditures on correctional services including out-of-state beds grew from \$93,255,650.00 in fiscal year 2004 to \$120,533,309.00 in fiscal year 2008. The amount of funding proposed for fiscal year 2009 is \$123,589,833.00. This rate of increase has been and remains unsustainable.

(b) Action. In order to reduce the unsustainable increases in the expenditures of the department of corrections, the following action shall be taken by the executive branch:

(1) In fiscal year 2009, the Dale Correctional Facility in Waterbury shall be closed.

(2) In fiscal year 2009, the mission of the Southeast State Correctional Facility in Windsor shall change to be a therapeutic community in a work camp model, consistent with any further directive set forth in the 2008 Capital Construction Act, S.365.

(3) In fiscal year 2009, sections of the Northwest State Correctional Facility in Swanton shall be closed and the facility otherwise configured to house and program women, with consideration given to housing male detainees, consistent with any further directive set forth in the 2008 Capital Construction Act, S.365.

(c) Goal; fiscal year 2009. It is the goal of the general assembly to achieve in the fourth quarter of fiscal year 2009 approximately \$600,000.00 in savings

in the department of corrections budget, which will be reinvested in substance abuse screening, assessment, treatment, and reentry support, the goal of which is to reduce recidivism for the target group indentified in Sec. 1(a) of this act.

(d) Goal; fiscal year 2010. It is the goal of the general assembly to achieve in fiscal year 2010 approximately \$3,044,949 in savings in the department of corrections budget, some of which will be reinvested in a variety of effective programs to further reduce recidivism for the target group indentified in Sec. 1(a) of this act.

Sec. 16b. ANTICIPATED BUDGETARY SAVINGS ALLOCATIONS IN FISCAL YEAR 2009

(a) In the last quarter of fiscal year 2009, from within the amounts appropriated to the department of corrections from the general fund, the department shall reinvest \$600,000.00 as follows:

(1) the amount of \$150,000.00 shall be used to fund substance abuse programs and vocational training in a state work camp facility;

(2) the amount of \$450,000.00 shall be transferred to the secretary of human services and used to fund the following activities:

(A) \$200,000.00 shall be used to expand the capacity of community alcohol and substance abuse prevention and treatment providers to provide services, including services to public inebriates; and

(B) \$250,000.00 shall be used to expand the availability of public inebriate beds outside the department of corrections.

(b) The joint fiscal office shall track and report to the joint fiscal committee in January and July of 2009 savings in the corrections budget resulting from the provisions of this act.

Sec. 17. ANTICIPATED BUDGETARY SAVINGS ALLOCATIONS IN FISCAL YEAR 2010

In fiscal year 2010, from within the amounts appropriated to the department of corrections from the general fund, the department shall reinvest a portion of the savings identified by either the commissioner of corrections or the corrections oversight committee as follows:

(1) \$150,000.00 to increase the capacity of the department of corrections' intensive substance abuse program (ISAP), which provides services on an intensive out-patient basis;

(2) \$150,000.00 to expand the ISAP program to include a community based residential substance abuse treatment component for those who have been furloughed to the community pursuant to 28 V.S.A. § 808(a)(7);

(3) \$150,000.00 to enter into contracts with several community-based substance abuse treatment providers in different geographic regions of the state and to provide the substance abuse treatment services to persons on conditional reentry status pursuant to subchapter 1A of chapter 11 of Title 28;

(4) \$650,000.00 to provide vocational training and residential substance abuse programs in one or more state-owned and -operated work camps;

(5)(A) \$1,200,000.00 to provide grants to community providers to increase by 60 the number of beds available for at least 120 offenders who will be staying in the transitional housing for three to six months before reentering the community on furlough pursuant to 28 V.S.A. § 808 or conditional reentry, pursuant to subchapter 1A of chapter 11 of Title 28, provided that the new transitional housing shall include a range from lightly supervised with no treatment programs to heavily supervised with wrap-around treatment programs, and that \$200,000.00 of this amount shall be used to provide life skills programming.

(B) To the extent that the purposes identified in subdivision (A) of this subdivision (5) can be accomplished without using all of the funds appropriated in that subdivision, the department may use up to \$200,000.00 of the appropriation to expand housing readiness, search, and retention services, housing assistance funding which may be granted to housing authorities and other community agencies in response to requests for proposals or memorandums of understanding entered into in accordance with department policy and directives; and

(6) \$211,000.00 to purchase electronic monitoring equipment, including automated voice recognition telephone equipment, global position monitoring system bracelets, and transdermal alcohol monitoring equipment; the commissioner shall use the equipment to augment supervision of offenders on probation, parole, or furlough and to enhance the capacity of field staff to monitor and control offenders who would otherwise be incarcerated;

(7) \$110,000.00 for recovery centers; and

(8)(A) \$200,000.00 shall be transferred to the secretary of human services to expand the capacity of community alcohol and substance abuse prevention and treatment providers to provide services, including services to public inebriates.

(B) \$200,000.00 shall be transferred to the secretary of human services to fund the establishment of a pilot program at a location approved by the court administrator to:

(i) conduct a voluntary and confidential screening and assessment, when screening indicates that an assessment is appropriate, for substance abuse and mental health treatment needs at the time of arraignment of individuals charged with felony property, drug, or fraud offenses;

(ii) conduct a mandatory screening and assessment, when screening indicates that an assessment is appropriate, for substance abuse and mental health treatment needs following adjudication and prior to sentencing of individuals found guilty of felony property, drug, or fraud offenses;

(iii) provide the results of any screening and assessment conducted under this section to the judge following adjudication and prior to sentencing so that the judge can use the information to determine the level of treatment to be provided while the individual is in the custody of the commissioner of corrections; and

(iv) enable the commissioner to gather data regarding the prevalence of co-occurring substance abuse and mental health disorders.

Sec. 18. STATEWIDE DRUG COURT STUDY

The court administrator, the defender general, the executive director of the department of state's attorneys and sheriffs, the deputy commissioner of the department of health in charge of the alcohol and drug abuse, and the commissioner of mental health shall report to the house and senate committees on judiciary by December 15, 2008, on the advisability and feasibility of expanding the drug court program to every county in the state. The report shall address:

(1) the financial costs of expanding the drug court program statewide;

(2) the workforce impact which a statewide expansion of the program would have and whether new staff would be required;

(3) whether current state facilities have the capacity to support statewide expansion and whether and where any new facilities would be required; and

(4) any other matter deemed relevant to the issue of statewide drug court expansion.

Sec. 19. PUBLIC INEBRIATES TASK FORCE

(a) A public inebriates task force is established. The task force shall consist of the following members:

(1) Two members employed by the office of alcohol and drug abuse appointed by the commissioner of the department of health.

(2) Two substance abuse treatment providers appointed by the substance abuse treatment providers association.

(3) One member appointed by the department of public safety.

(4) One member appointed by the Vermont police association.

(5) One member appointed by the Vermont League of Cities and Towns.

(6) Two members appointed by the Vermont medical society who shall be hospital emergency room personnel.

(7) Two members appointed by the Vermont recovery network.

(8) Two employees of the department of corrections appointed by the commissioner of the department of corrections.

(b) The task force shall report to the senate and house committees on judiciary, institutions, and appropriations no later than January 1, 2009 with a plan to ensure that public inebriates are given appropriate care rather than incarcerated. The plan shall ensure the regional availability of supportive voluntary and secured accommodations for public inebriates by January 1, 2010, and shall include a timetable for providing reimbursement of expenses to programs that house and maintain public inebriates.

Sec. 20. ACCOUNTABILITY; REPORTS

(a) On or before January 15, 2010, the commissioner of corrections shall report to the senate committee on judiciary, the house committee on institutions and corrections, and the house committee on judiciary on:

(1) the prevalence of co-occurring mental health and substance abuse disorders among those committed to the custody of the commissioner of corrections;

(2) the success of and problems encountered in:

(A) expanding the ISAP program pursuant to Sec. 6(c)(1) of this act:

(B) implementing the pilot program authorized and funded in Sec. 6(c)(3) of this act, as well as recommendations for continuing the program or expanding the program or both; and

(C) developing reentry plans which identify services needed upon release and in working with community providers to ensure that each offender receives those services immediately upon release;

(3) the progress made since passage of this act in establishing a comprehensive system of community substance abuse treatment services which is coordinated with corrections services;

(4) a proposal to increase the furlough days for nonlisted offenders from the existing average of 53 to a target of 75.

(b) The department of corrections shall upon passage of this act manage existing furlough procedures to create the same amount of financial savings that the department would have realized had this act made it mandatory to furlough offenders 90 days prior to completion of the offenders' minimum sentence.

(c) On or before January 15, 2011, the commissioner of corrections shall report to the senate committee on judiciary, the house committee on institutions and corrections, and the house committee on judiciary on the successes of and problems encountered in working to meet the following goals with the funds provided and through the programs established in this act:

(1) increase by at least 30 the number of offenders with sentences of one or more years placed in the department of corrections' intensive substance abuse program (ISAP) pursuant to 28 V.S.A. § 808(a)(7);

(2) move at least 10 offenders who are in the intensive phase of receiving ISAP services under 28 V.S.A. § 808(a)(7) and who are unsuccessful and would otherwise be reincarcerated to a community-based residential substance abuse treatment program which may be a component of ISAP;

(3) incarcerate no more than 20 percent of offenders who are receiving substance abuse treatment services under 28 V.S.A. § 808(a)(7);

(4) reduce by 10 percent the number of reincarcerations of those on conditional reentry with a high need for substance abuse treatment;

(5) increase the number of inmates released on furlough, pursuant to 28 V.S.A. § 808, by 25 individuals per month; and

(6) increase the average number of days released on reintegration furlough pursuant to 28 V.S.A. § 808(a)(8) prior to the minimum sentence to as close to 90 days as possible.

(d) Until the corrections oversight committee informs the commissioner that it no longer requires the information, the commissioner of corrections shall include in monthly reports to the committee:

(1) the number of inmates eligible for furlough under 28 V.S.A. § 808 and considered appropriate for release by the commissioner but who have not

been released because the commissioner is unable to find appropriate housing, employment, treatment, or other services;

(2) which treatment or other services would have been necessary and in which geographic region the services would have been needed, to enable release; and

(3) the number of days of incarceration that could have been avoided if the community resources had been available and these offenders had been released.

(4) a detailed description of the progress made on increasing the use of electronic monitoring as authorized by 28 V.S.A. §202, 28 V.S.A. §403(1) and 28 V.S.A. §808(b).

(e) On or before January 15, 2011, the court administrator's office, in consultation with the office of alcohol and drug abuse programs in the Vermont department of health, the department of corrections, the defender general, and the executive director of the department of state's attorneys and sheriffs shall report to the senate and house committees on judiciary on the costs, cost savings, and effectiveness of the pilot project established pursuant to Sec. 17(a)(8)(B) of this act and shall make a recommendation as to the continuation of the pilot project and its expansion to other counties.

(f) The joint fiscal office and office of finance and management shall jointly document the impact of the policies and provisions of this act on corrections costs and shall report their findings to the general assembly on or before January 15, 2010, and in January of each year for five years thereafter.

(g) The Vermont center for justice research shall study and evaluate the effectiveness of the system of administrative probation established by subsection 2059(c) of Title 28, including whether the people who receive such probation commit further offenses, and the nature of those offenses. The center shall report its evaluation of administrative probation to the senate and house committees on judiciary on or before December 15, 2011.

Sec.21. EFFECTIVE DATE

This act shall take effect on July 1, 2008, except for Secs. 12, 13, and 14, which shall take effect on July 1, 2010.

Appearing on the Calendar for action, was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? , on motion of **Rep. Emmons of Springfield**, the bill was committed to the committee on Corrections and Institutions.

Adjournment

At two o'clock and five minutes in the afternoon, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

FRIDAY, APRIL 11, 2008

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 Michael Rake of good News Baptist Church, Northfield, VT.

Bill Referred to Committee on Ways and Means**S. 233**

Senate bill, entitled

An act relating to temporary officiants for marriages and civil unions;

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 Shumlin,

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 11, 2008, it be to meet again no later than Tuesday, April 15, 2008.

Was taken up read and adopted in concurrence.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****S. 344**

Rep. Head of South Burlington moved that the committee on General, Housing and Military Affairs be relieved of Senate bill, entitled

An act relating to internet and mail order sales of tobacco products;

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

**Committee Relieved of Consideration
and House Resolution Placed on Calendar for Notice**

H.R. 33

Rep. Wright of Burlington moved that the Committee on General, Housing and Military Affairs be relieved of House resolution entitled

House resolution expressing strong opposition to and urging effective and immediate congressional action to stop human rights violations by the government of the People's Republic of China's human rights violations in the geographic area known as Tibet;

Which was agreed to. Thereupon, under the rule, the bill was placed on the Calendar for notice tomorrow.

Bill Amended; Third Reading Ordered

H. 689

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

An act relating to utility prescriptive rights;

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

Sec. 1. TITLE

This act may be referred to as the Utility Prescriptive Rights Act of 2008.

Sec. 2. LEGISLATIVE FINDINGS

The general assembly finds:

(1) There are currently many instances where the utilities in Vermont maintain and operate utility lines in rights-of-way without having any record of an easement or other right to occupy such rights-of-way.

(2) In some instances, the easement was not obtained when the line was initially constructed; in other instances, the easement document was lost or never recorded in the land records.

(3) Such utility lines often existed in their current location without written easements for many years, even decades.

(4) Vermont law generally recognizes that one may obtain property rights, including easements and rights-of-way, by adverse possession after 15 years of open, notorious, and hostile possession of the property; however, a single Vermont statute creates an exception to that doctrine for utility line easements.

(5) Many of the utility lines which lack easements are old and will need to be rebuilt in order for the utilities to continue to provide reliable service.

(6) It is likely that such necessary rebuilding will be delayed if the utilities must go through individual and costly public service board condemnation proceedings in order to obtain easements where none exists today.

(7) Where a line is already in place, it is poor public policy to allow a landowner to impede necessary rebuilding of the line and impose expense on remaining customers by forcing the utility to commence a condemnation proceeding to obtain an easement.

(8) There is clearly a need for utilities to hold easements over rights-of-way where utility lines have already been built.

Sec. 3. 30 V.S.A. § 111a is added to read:

§ 111a. PREEXISTING UTILITY LINES

(a) When a corporation seeks to condemn property or an easement or other right over property where a currently existing utility line, that has not been abandoned, was in place on July 1, 2008, there is a rebuttable presumption that the condemnation of the property right authorizing the existing utility line or lines is necessary in order that the petitioner may render service to the public, provided that the property right is limited to that which is required to allow the operation, maintenance, and repair of the existing line or lines and the replacement of the existing utility facilities with equivalent facilities in the usual course of business.

(b) When a corporation seeks to condemn property or establish an easement or other right over property where a utility line, that has not been abandoned, was in place on July 1, 2008, the corporation shall present a petition to the public service board and to the department of public service describing the property or right, and why the action is necessary. The property or right shall be limited to that which is required to allow the operation, maintenance, and repair of the existing line or lines and the replacement of the existing utility facilities with equivalent facilities in the usual course of business. The board shall issue a citation upon each person whose property or right the petitioner proposes to condemn and each municipality and each

planning body where the property is located, or on absent persons in such manner as the supreme court may by rule provide for service of process in civil actions, including by publication.

(c) Upon the filing of the petition with the board and department, any pending actions and proceedings against the petitioner affecting its right to use and enjoy the subject property are stayed for the pendency of the condemnation proceeding before the board, and the petitioner may enter upon the property to be condemned for the purposes of examination and obtaining necessary information in order to proceed with the taking and to conduct the minimum amount of maintenance and repairs necessary to provide service.

(d) The board shall fix the time and the place for hearing.

(e) If the utility line for which the corporation seeks to acquire easements through condemnation under this section crosses more than one property, the corporation may petition the board to hold a single hearing to determine necessity for all persons subject to condemnation under subsection (b) of this section.

(f) A person owning or having an interest in lands or rights to be taken may stipulate as to the necessity of the taking. The stipulation shall be filed with the board. The board shall issue an order on necessity within 45 days upon receiving the stipulation.

(g) A stipulation under subsection (f) of this section shall be accompanied by an affidavit sworn to before a person authorized to take acknowledgments. The stipulation shall include the following:

(1) a recital that the person or persons executing the stipulation have examined the proposed easement, which includes a description of the property or rights to be taken; and

(2) an explanation of the legal and property rights affected.

(h) If a hearing is required, the board shall hear all persons whose property or right is the subject of the condemnation petition and who wish to be heard at the time and place appointed for the hearing. The board shall make findings of fact, and by its order, determine whether necessity requires the taking of the land and rights as set forth in the petition.

(i) Following a determination of necessity pursuant to subsection (f) or (h) of this section, the board shall expeditiously appoint a time and place for examining the premises and provide an opportunity for a hearing on the issue of compensation, giving at least 10 days' notice in writing to the persons that are subject to the condemnation petition.

(j) Compensation for the taking or use of property rights under the provision of this section shall be the diminution of value caused by the existence of such utility lines across the property at the time the petition was filed with the board. Where a property owner acquired the property with the utility line already in place, there is a rebuttable presumption that the diminution in value was reflected in the terms of acquiring the property.

(k) The board shall fix the compensation to be paid to each person from whom land or rights are taken, and the petitioner shall file and record within 30 days the order in the office of the clerk of the town where the land is situated, and shall deliver to each person or persons a copy of that portion of the order directly affecting the person or persons and shall pay or tender the award to each person entitled which may be accepted, retained, and disposed of to his or her own use without prejudice to the person's right of appeal. If the petitioner took possession of the condemned property under subsection (i) of this section, the petitioner shall tender the amount of the board's award to the persons affected by the taking. The petitioner shall tender any additional payment required by the board's final compensation order.

(l) Section 112 of this title does not apply to petitions filed under this section. An appeal or review relating to an action under this section shall be to the supreme court pursuant to section 12 of this title.

(m) Nothing in this section shall impact any permitting or regulatory requirements that may apply to the corporation.

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

Thereupon, **Rep. Shand of Weathersfield** asked and was granted leave of the House to withdraw the report of the committee on Commerce.

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

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

Sec. 1. 30 V.S.A. § 111a is added to read:

§ 111a. PREEXISTING UTILITY LINES

(a) When a corporation seeks to condemn property or an easement or other right over property where a currently existing utility line capable of operating at 100 kilovolts or less that has not been abandoned and was in place on July 1, 1993, there is a rebuttable presumption that the condemnation of the property right authorizing the existing utility line or lines is necessary in order that the

petitioner may render service to the public, provided that the property right is limited to that which is required to allow the operation, maintenance, and repair of the existing line or lines, and does not (1) significantly alter the capabilities or capacity of the line or lines, (2) materially alter the degree of land use associated with the presence of the line or lines, and (3) authorize the company to perform replacements or upgrades that would have a significant impact under the criteria set forth in section 248 of this title.

(b) When a corporation seeks to condemn property or establish an easement or other right over property where a utility line, that has not been abandoned, was in place on July 1, 1993, the corporation shall present a petition to the public service board and to the department of public service describing the property or right, and why the action is necessary. The property or right shall be limited to that which is required to allow the operation, maintenance, and repair of the existing line or lines, subject to the limitations set forth in subsection (a) above. The board shall issue a citation upon each person whose property or right the petitioner proposes to condemn and each municipality and each planning body where the property is located, or on absent persons in such manner as the supreme court may by rule provide for service of process in civil actions, including by publication.

(c) Upon the filing of the petition with the board and department, any pending actions and proceedings against the petitioner affecting its right to use and enjoy the subject property are stayed for the pendency of the condemnation proceeding before the board, and the petitioner may enter upon the property to be condemned for the purposes of examination and obtaining necessary information in order to proceed with the taking and to conduct the minimum amount of maintenance and repairs necessary to provide service.

(d) The board shall fix the time and the place for hearing.

(e) If the utility line for which the corporation seeks to acquire easements through condemnation under this section crosses more than one property, the corporation may petition the board to hold a single hearing to determine necessity for all persons subject to condemnation under subsection (b) of this section.

(f) A person owning or having an interest in lands or rights to be taken may stipulate as to the necessity of the taking. The stipulation shall be filed with the board. The board shall issue an order on necessity within 45 days upon receiving the stipulation.

(g) A stipulation under subsection (f) of this section shall be accompanied by an affidavit sworn to before a person authorized to take acknowledgments. The stipulation shall include the following:

(1) a recital that the person or persons executing the stipulation have examined the proposed easement, which includes a description of the property or rights to be taken; and

(2) an explanation of the legal and property rights affected.

(h) If a hearing is required, the board shall hear all persons whose property or right is the subject of the condemnation petition and who wish to be heard at the time and place appointed for the hearing. The board shall make findings of fact, and by its order, determine whether necessity requires the taking of the land and rights as set forth in the petition.

(i) Following a determination of necessity pursuant to subsection (f) or (h) of this section, the board shall expeditiously appoint a time and place for examining the premises and provide an opportunity for a hearing on the issue of compensation, giving at least 10 days' notice in writing to the persons that are subject to the condemnation petition.

(j) There shall be rebuttable presumptions that compensation for the taking or use of property rights under the provision of this section shall be the diminution of value caused by the existence of such utility lines across the property at the time the petition was filed with the board and that, where a property owner acquired the property with the utility line already in place, the diminution in value was reflected in the terms of acquiring the property. Upon rebuttal of either of these presumptions under the standard set forth in subsection (m) of this section, the board shall determine compensation pursuant to subdivision 112(3) of this title.

(k)(1) When the board renders judgment, it shall send by registered mail to each of the parties in interest or their attorneys, within thirty days thereafter, a certified copy of such judgment. If the judgment is in favor of the petitioner, the board, in the same manner, shall send to such parties a certified copy of the findings which shall include a description of the property or right to be condemned. The petitioner shall cause a certified copy of the judgment and findings to be recorded in the clerk's office of the town or towns in which such property is located, within thirty days after such copies are received by him.

(2) Upon the payment or deposit of the amounts awarded by the board, with interest, in accordance with its order, the petitioner shall be the owner of the property or right described in the findings. However, when an appeal is taken as provided in section 12 of this title, such ownership shall be an equitable title only with right of possession until the judgment of the supreme court is complied with.

(l) Section 112 of this title does not apply to petitions filed under this section except as provided in subsection (j) of this section. An appeal or

review relating to an action under this section shall be to the supreme court pursuant to section 12 of this title.

(m) The presumptions arising under subsections (a) and (j) of this sections shall operate in accordance with the provisions of Vermont Rule of Evidence 301(a). These presumptions shall shift only the burden of production, and shall lose their effect as soon as any evidence to support a finding of the nonexistence of the presumed fact is introduced.

(n) Nothing in this section shall impact any permitting or regulatory requirements that may apply to the corporation.

Which was agreed to and third reading of the bill was ordered.

Bill Amended, Read Third Time and Passed

H. 755

House bill, entitled

An act relating to economic development of the forestry and forest products industries;

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

First: In Sec. 2, in §2721 (c), by striking the word “and” at the end of subdivision (3); striking the period and inserting “; and” at the end of subdivision (4); and adding a new subdivision (5) to read:

(5) a listing of individuals, trade associations and other persons or entities consulted in preparation of the report.

Second: In Sec. 3, in the first sentence, by striking the words “in consultation with the Vermont sustainable jobs fund, the Vermont Woodlands Association, the Associated Industries of Vermont, and the Vermont Loggers Association” and inserting in lieu thereof the following: “in consultation with Vermont timber harvesters, foresters, and forest products manufacturers, their respective trade associations; the Vermont Sustainable Jobs Fund; and others”

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

Third Reading; Bill Passed in Concurrence with Proposal of Amendment

S. 146

Senate bill, entitled

An act relating to advertising and producing musical performance;

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

Bill Amended; Third Reading Ordered

H. 736

Rep. Browning of Arlington, for the committee on Corrections and Institutions, to which had been referred House bill, entitled

An act relating to children of incarcerated parents;

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

Sec. 1. CORRECTIONS OVERSIGHT COMMITTEE; CHILDREN OF INCARCERATED PARENTS; REPORT

(a) During the summer and fall of 2008, the corrections oversight committee shall spend at least one meeting investigating issues regarding minor children of incarcerated parents. The investigation shall include:

(1) A report from the commissioner of corrections on data on the prevalence of inmates who are parents of minor children.

(2) Identification of mail, telephone, and visiting policies that promote appropriate family contact.

(3) Current practices and appropriate training for law enforcement officers regarding behavior and protocols when arresting parents who are responsible for or might be responsible for minor children.

(4) A report from the secretary of human services on how to provide appropriate support and assistance to the children of incarcerated parents.

(b) The committee shall make recommendations regarding:

(1) Ways to increase and improve appropriate contact between minor children and their incarcerated parents.

(2) Data to be collected to enable the general assembly to understand the impact of incarceration of parents on minor children and to help policy makers access resources and formulate solutions. The committee shall also make recommendations on how the data will be collected.

(3) Appropriate training for law enforcement officers regarding behavior and protocols when arresting parents who are responsible for or might be responsible for minor children.

(4) Cost estimates of resources needed to make recommended changes.

(5) Appropriate support and assistance to the children of incarcerated parents using existing resources, programs, and staff of the agency of human services.

(c) The committee shall report its findings and recommendations on or before January 15, 2009.

Sec. 2. 2 V.S.A. § 801(d) is amended to read:

(d) When the general assembly is in session, the committee shall meet at the call of the chair. The committee may meet ~~four~~ six times during adjournment, and may meet more often subject to approval of the speaker of

Rep. Acinapura of Brandon, for the committee on Appropriations, recommends the bill ought to pass when amended as recommended by the committee on Corrections and Institutions and when further amended as follows:

First: In Sec. 1(a) by striking the words “spend at least one meeting investigating” and inserting in lieu thereof “investigate”

Second: In Sec. 1(a)(1) before the period by inserting “including the number of inmates who are primary caregivers of minor children”

Third: In Sec. 1(c) following the word “recommendations” by inserting “to the general assembly”

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

Action on Bill Postponed

H. 894

House bill, entitled

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

Was taken up and pending the reading of the report of the committee on Government Operations, on motion of **Rep. Sweaney of Windsor**, action on the bill was postponed until Tuesday, April 15, 2008.

Senate Proposal of Amendment Concurred in

H. 616

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

An act relating to farm-fresh milk;

By adding two new sections, to be Secs. 2 and 3, to read as follows:

Sec. 2. 6 V.S.A. § 2672(26) and (27) are added to read:

(26) "Vermont fresh milk" means milk consisting entirely of fresh milk produced in Vermont.

(27) "Northeastern fresh milk" means milk consisting entirely of fresh milk produced in Delaware, Maryland, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, or Maine.

Sec. 3. 6 V.S.A. § 2680 is added to read:

§ 2680. LABELING MILK AS FRESH

Milk shall not be labeled as "fresh milk," "Vermont fresh milk," or "northeastern fresh milk" unless the milk meets the definitions in section 2672 of this chapter.

and by renumbering the remaining section to be numerically correct

and that upon passage the title be amended to read: "AN ACT RELATING TO FARM-FRESH RAW MILK"

Which proposal of amendment was considered and concurred in.

Message from the Senate No. 53

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. 775. An act relating to low-profit limited liability companies.

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 Senate concurrent resolutions of the following titles:

S.C.R. 42. Senate concurrent resolution recognizing Vermont Uniform Law Commissioner Carl Lisman for his continuing assistance to the general assembly.

S.C.R. 43. Senate concurrent resolution congratulating the Bethany Church-United Church of Christ of Montpelier on its bicentennial anniversary.

S.C.R. 44. Senate concurrent resolution honoring Margaret Trautz for her exemplary career contributions to the advancement of public policy in the areas of education, health and social welfare..

S.C.R. 45. Senate concurrent resolution congratulating Elwin Cross on being named the 2008 Northeast Kingdom Chamber of Commerce Citizen of the Year.

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

H.C.R. 265. House concurrent resolution congratulating Sam's Outdoor Outfitters on the retailer's 75th anniversary.

H.C.R. 266. House concurrent resolution honoring Kermit and Margret Richardson for their dedication as citizen public servants in the town of Orange.

H.C.R. 267. House concurrent resolution congratulating the Basin Harbor Club on its receipt of a 2008 Vermont Centennial Business Award.

H.C.R. 268. House concurrent resolution congratulating the 2008 Windsor High School Yellow Jackets Division II boys' basketball championship team.

Adjournment

At ten o'clock and thirty-five minutes in the forenoon, on motion of **Rep. Adams of Hartland**, the House adjourned until 10:00 a.m. on Monday, April 14, 2008.

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. 265

House concurrent resolution congratulating Sam's Outdoor Outfitters on the retailer's 75th anniversary

H.C.R. 266

House concurrent resolution honoring Kermit and Margaret Richardson for their dedication as citizen public servants in the town of Orange

H.C.R. 267

House concurrent resolution congratulating the Basin Harbor Club on its receipt of a 2008 Vermont Centennial Business Award

H.C.R. 268

House concurrent resolution congratulating the 2008 Windsor High School Yellow Jackets Division II boys' basketball championship team

S.C.R. 42.

Senate concurrent resolution recognizing Vermont Uniform Law Commissioner Carl Lisman for his continuing assistance to the general assembly.

S.C.R. 43.

Senate concurrent resolution congratulating the Bethany Church-United Church of Christ of Montpelier on its bicentennial anniversary.

S.C.R. 44.

Senate concurrent resolution honoring Margaret Trautz for her exemplary career contributions to the advancement of public policy in the areas of education, health and social welfare.

[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 2008, sixty-ninth Adjourned session]

MONDAY, APRIL 14, 2008

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

Bill Referred to Committee on Ways and Means**S. 313**

Senate bill, entitled

An act relating to a license to store and ship wine;

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

Adjournment

At ten o'clock and five minutes in the forenoon, the Speaker adjourned the House until tomorrow at ten o'clock in the forenoon pursuant to House rule 9.

TUESDAY, APRIL 15, 2008

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

Devotional Exercises

Devotional exercises were conducted by Rep. William Aswad of Burlington, VT.

Pledge of Allegiance

Page Samuel Hooper of Sharon led the House in the Pledge of Allegiance.

Message from Governor

A message was received from His Excellency, the Governor, by Ms. Dennise Casey, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House that on the tenth day of April, 2008, he approved and signed a bill originating in the House of the following title:

H. 563 An act relating to the Uniform Commercial Code**Bill Referred to Committee on Appropriations****S. 365**

Senate bill, entitled

An act relating to capital construction and state bonding;

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

Joint Resolution Referred to Committee**J.R.H. 59**

Reps. Gilbert of Fairfax, Ancel of Calais, Anderson of Montpelier, Andrews of Rutland City, Atkins of Winooski, Barnard of Richmond, Bissonnette of Winooski, Branagan of Georgia, Bray of New Haven, Clark of Vergennes, Clerkin of Hartford, Consejo of Sheldon, Crawford of Burke, Donovan of Burlington, Fitzgerald of St. Albans City, Gervais of Enosburg, Godin of Milton, Haas of Rochester, Hosford of Waitsfield, Howrigan of Fairfield, Johnson of South Hero, Lenes of Shelburne, Manwaring of Wilmington, Marek of Newfane, Martin of Springfield, McDonald of Berlin, Mitchell of Barnard, Mook of Bennington, Mrowicki of Putney, Ojibway of Hartford,

Pearson of Burlington, Peltz of Woodbury, Perry of Richford, Potter of Clarendon, Spengler of Colchester, Stevens of Shoreham, Wheeler of Derby and Winters of Williamstown offered a joint resolution, entitled

Joint resolution urging secondary school and postsecondary educators and administrators to collaborate on accelerated learning opportunities for Vermont high school students;

Whereas, in today's global economy, knowledge is power, and the U.S. Bureau of Labor Statistics has estimated that the majority of the fastest-growing and highest-paying occupations between now and 2014 will require postsecondary educational preparation, and

Whereas, research has shown that postsecondary success is predicated on rigorous academic preparation in high school and on students' clear understanding of colleges' and universities' expectations of them once enrolled, and

Whereas, although more students enter college today than in 1988, the proportion of students graduating has declined, and the overall academic attrition results in fewer than 20 percent of 9th graders graduating with a college degree by the age of 24, and

Whereas, the United States cannot afford the loss of human capital on this scale and remain globally competitive, and

Whereas, programs providing for students to be enrolled simultaneously in high school and college courses enable students to experience the rigors of college studies while earning both high school and college credits, and

Whereas, according to the U.S. Department of Education, students participating in dual enrollment programs complete their college degrees more quickly and have higher graduation rates, and

Whereas, as of January 2006, over 40 states had policies related to dual enrollment, and in Vermont, there are currently agreements related to postsecondary technical education, and

Whereas, dual enrollment policies led to a nearly 1,000 percent increase in Minnesota high school students taking advanced placement tests, and a coordinated K-college education initiative in Georgia raised the percentage of high school students studying a rigorous core curriculum, and postremediation levels fell precipitously, and

Whereas, Vermont has recognized the value of accelerated learning, and the state's high schools have experienced the highest percentage increase in the nation of advanced placement tests taken, the number of students taking the

exams, and the number of students earning a score of at least 3 on a grading scale in which the highest grade is 5, and

Whereas, the Vermont State Colleges have multiple dual enrollment programs, and the UVM administration is publicly committed to the university's participation in a council of both pre-K-12 and postsecondary educators to inform and move forward pre-K-12 and postsecondary education as a continuum, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly applauds the existing dual enrollment programs in Vermont and encourages future efforts to expand the availability of postsecondary educational offerings for high school students, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to the commissioner of education, to the president of each public and private institution of higher education in Vermont, and to the chancellor of the Vermont State Colleges.

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

Remarks Journalized

On motion of **Rep. Martin of Wolcott**, the following remarks by **Rep. Moran of Wardsboro** were ordered printed in the Journal:

"Madam Speaker:

It is with deep sadness that I stand before you this morning.

In Wardsboro, over this last weekend, in a terrible accident, we lost three of our own.

Nicole Tarnay Waring, a loving mother, gifted artist, and environmental advocate; and her precious daughters, six year-old Dakota; and two-and-a-half year-old Grace.

I ask that we keep in our prayers Michael Waring, devoted husband and dedicated father, who on Saturday lost his family.

Keep in our prayers my family's next door neighbors, Hannes and Chris Tarnay, parents of Nicole and grandparents of Dakota and Grace.

Keep in our prayers, Linda Brady and Dr. Gary Waring, parents of Michael, and grandparents of Dakota and Grace.

Keep in our prayers Michael's brother, Elliot and sister, Avi, and all the family and friends who were cut so deeply by this tragedy over the past weekend.

And keep in our prayers all who we involved in the efforts at rescue and recovery.

But foremost, keep in our prayers Nicole, Dakota and Grace, who will be in our memories for a long, long time and in our hearts forever."

Action on Bill Postponed

H. R. 33

House resolution, entitled

House resolution expressing strong opposition to and urging effective and immediate congressional action to stop human rights violations by the Government of the People's Republic of China's human rights violations in the geographic area known as Tibet;

Was taken up and pending the question, Shall the House adopt the resolution? on motion of **Rep. Marek of Newfane**, action on the bill was postponed until the next legislative day.

Bill Read Second Time; Third Reading Ordered

H. 894

Rep. Devereux of Mount Holly spoke for the committee on Government Operations.

House bill entitled

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

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

Pending the question, Shall the bill be read the third time? **Reps. Adams of Hartland and Sweaney of Windsor** moved to amend the bill as follows:

By adding a Sec. 4a as follows:

Sec. 4a. APPROPRIATION

The sum of \$400,000 is appropriated from the general fund to the Windsor school district to compensate the district for expenses related to the environmental cleanup of district property formerly owned by the state.

Thereupon, **Rep. Adams of Hartland** asked and was granted leave of the House to withdraw his amendment.

Thereupon, third reading was ordered.

Action on Bill Postponed

S. 344

Senate bill, entitled

An act relating to internet and mail order sales of tobacco products;

Was taken up and pending the reading of the report of the committee on Human Services, on motion of **Rep. French of Randolph**, action on the bill was postponed until Thursday, April 17, 2008.

Third Reading; Bill Passed

H. 736

House bill, entitled

An act relating to children of incarcerated parents;

Was taken up, read the third time and passed.

Bill Amended; Third Reading Ordered

H. 619

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

An act relating to the regulation of sexual assault nurse examiners;

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

Sec. 1. DESIGNATION

33 V.S.A. chapter 3, §§ 301–311 are designated as:

Subchapter 1. General Provisions

Sec. 2. 33 V.S.A. chapter 3, subchapter 2 is added to read:

Subchapter 2. Sexual Assault Nurse Examiners

§ 321. DEFINITION

As used in this chapter, “SANE” means sexual assault nurse examiner.

§ 322. SANE BOARD

(a) The SANE board is created for the purpose of regulating sexual assault nurse examiners.

(b) The SANE board shall be composed of the following members:

(1) the executive director of the Vermont nurses association, or designee;

(2) the executive director of the Vermont hospital association, or designee;

(3) the director of the Vermont state police crime lab, or designee;

(4) the director of the Vermont network against domestic and sexual violence, or designee;

(5) an attorney with experience prosecuting sexual assault crimes, appointed by the attorney general;

(6) the executive director of the Vermont center for crime victim services, or designee;

(7) a law enforcement officer assigned to one of Vermont's special units of investigation, appointed by the commissioner of public safety;

(8) a law enforcement officer employed by a municipal police department, appointed by the executive director of the Vermont criminal justice training council;

(9) three sexual assault nurse examiners, appointed by the attorney general;

(10) a physician whose practice includes the care of victims of sexual assault, appointed by the Vermont medical society;

(11) a pediatrician whose practice includes the care of victims of sexual assault, appointed by the Vermont chapter of the American Academy of Pediatricians;

(12) the coordinator of the Vermont victim assistance program, or designee;

(13) the president of the Vermont alliance of child advocacy centers, or designee; and

(14) the chair of the Vermont state board of nursing, or designee; and

(15) the commissioner for children and families, or designee.

(c) The SANE board shall be attached to the attorney general's office for administrative purposes.

§ 323. SANE PROGRAM CLINICAL COORDINATOR

The SANE board may hire, subject to available funding, a SANE program clinical coordinator who shall serve at the pleasure of the board and who shall:

(1) oversee the recruitment and retention of SANEs in the state of Vermont;

(2) administer a statewide training program, including:

(A) the initial SANE certification training;

(B) ongoing training to ensure currency of practice for SANEs; and

(C) advanced training programs as needed;

(3) provide consultation and technical assistance to SANEs and hospitals regarding the standardized sexual assault protocol;

(4) provide training and outreach to criminal justice and community-based agencies as needed.

§ 324. SANE BOARD; DUTIES

(a) A person licensed under chapter 28 of Title 26 may obtain a specialized certification as a sexual assault nurse examiner if he or she demonstrates compliance with the requirements for specialized certification as established by the SANE board by rule.

(b) The SANE board shall adopt the following by rule:

(1) educational requirements for obtaining specialized certification as a sexual assault nurse examiner and statewide standards for the provision of education;

(2) continuing education requirements and clinical experience necessary for maintenance of the SANE specialized certification;

(3) a standardized sexual assault protocol and kit to be used by all physicians or hospitals in this state when providing forensic examinations of victims of alleged sexual offenses; and

(4) a system of monitoring for compliance.

(c) The SANE board may investigate complaints against a SANE and may revoke certification as appropriate.

**Sec. 3. SANE PROGRAM CLINICAL COORDINATOR; POSITION;
CREATION**

The establishment of one (1) new full-time exempt position – SANE program clinical coordinator – is authorized.

Rep. Hutchinson of Randolph, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Government Operations and when further amended by adding a new Sec. 4 to read:

Sec. 4. APPROPRIATION

The amount of \$50,000 special funds is appropriated from the restitution fund to the Office of the Attorney General for the purpose of supporting the SANE program clinical coordinator established in Sec. 3 of this act. It is the intent of the general assembly that special funds in the amount of \$50,000 be made available to support the SANE program clinical coordinator for each of the fiscal years 2009 and 2010.

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

Bill Amended; Third Reading Ordered

H. 878

Rep. Devereux of Mount Holly, spoke for the committee on Government Operations.

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

An act relating to elevator safety;

Reported in favor of its passage when amended as follows:

First: By striking Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 as follows:

Sec. 2. 21 V.S.A. § 152 is amended to read:

§ 152. NEW INSTALLATIONS; ANNUAL INSPECTIONS AND REGISTRATIONS

(a) A new conveyance shall not be placed in operation until it has been inspected by an elevator inspector other than the installer, and a certificate of operation has been issued.

(b) Every conveyance subject to this subchapter shall be inspected annually by an elevator inspector who may charge a fee for the service as established by the board by rule. Rules adopted by the board under this subsection shall take

into account the degree of difficulty required by the inspection, the frequency of use of the conveyance, and the mode of operation of the conveyance, such as cable, traction, hydraulic, light use, or platform lift. An inspector may charge a fee not to exceed \$100.00 for each inspection. The inspector shall notify the department if a conveyance is found to be in violation of this subchapter or any rule adopted under this subchapter.

(c) An elevator inspector shall issue a certificate of operation after the inspector has inspected a new or existing conveyance, and has determined that the conveyance is in compliance with this subchapter. A certificate of operation shall be renewed annually. An owner of a conveyance shall ensure that the required inspections and tests are performed at intervals that comply with rules adopted by the board. Certificates of operation shall be clearly displayed on or in each conveyance ~~or in each machinery room.~~

(d) The department may issue a conditional certificate of operation for a conveyance that is not in complete compliance, provided the conveyance has been inspected and determined to be safe for temporary operation. This conditional certificate of operation ~~permits~~ shall permit a conveyance to operate for no more than ~~30~~ 180 days or until the conveyance is in compliance, whichever occurs first.

(e) The inspector shall submit \$25.00 of the fee charged for each inspection to the department for each certificate of operation issued under this subchapter.

(f) As established by the board by rule, an inspector may charge a fee not to exceed \$250.00 for each inspection, and this fee shall be subject to the provisions of subchapter 6 of chapter 7 of Title 32.

(g) Until rules are adopted under subsection (f) of this section, an inspector may charge a fee not to exceed \$100.00, and this fee shall be subject to the provisions of subchapter 6 of chapter 7 of Title 32.

Second: By striking Sec. 4 in its entirety and inserting in lieu thereof a new Sec. 4 as follows:

Sec. 4. REPEAL

21 V.S.A. § 152(g) (inspector fee cap of \$100.00) shall be repealed on the effective date of rules adopted pursuant to 21 V.S.A. § 152.

Third: By adding a Sec. 4a as follows:

Sec. 4a. ELEVATOR SAFETY REVIEW BOARD; RULEMAKING

The general assembly finds that there exists an imminent peril to the public health, safety or welfare that necessitates the adoption of emergency rules pursuant to 3 V.S.A. § 844 by the elevator safety review board as required by

21 V.S.A. § 152. Emergency rules shall be filed as soon as possible after notice and an opportunity to be heard by persons who may be affected by them. The board shall propose a permanent rule on the same subject at the same time that it adopts an emergency rule.

Rep. Keenan of St. Albans, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Ways and Means.

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

Proposal of Amendment Agreed to; Third Reading Ordered

S. 240

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

An act relating to repealing the sunset of the law enforcement exemption to the social security breach notice act;

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. REPEAL OF SUNSET OF LAW ENFORCEMENT EXEMPTION TO SOCIAL SECURITY BREACH NOTICE ACT

Sec. 5 of No. 162 of the Acts of the 2005 Adj. Sess. (2006) is amended to read:

Sec. 5. SUNSET

9 V.S.A. § 2435(h) (exemption for law enforcement agencies from security breach notice act) shall be repealed June 30, 2008 2009.

and that the title be amended to read as follows:

AN ACT RELATING TO REPEALING THE SUNSET OF THE LAW ENFORCEMENT EXEMPTION TO THE SECURITY BREACH NOTICE ACT

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.

Proposal of Amendment Agreed to; Third Reading Ordered**S. 291**

Rep. Malcolm of Pawlet, for the committee on Agriculture, to which had been referred Senate bill, entitled

An act relating to the farm agronomic practices program at the Agency of Agriculture, Food and Markets;

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. 6 V.S.A. § 4951 is added to read:

§ 4951. FARM AGRONOMIC PRACTICES PROGRAM

(a) The farm agronomic practices assistance program is created in the agency of agriculture, food and markets to provide the farms of Vermont with state financial assistance for the implementation of soil-based practices that improve soil quality and nutrient retention, increase crop production, minimize erosion potential, and reduce agricultural waste discharges. The following practices shall be eligible for assistance to farms under the grant program:

- (1) conservation crop rotation;
- (2) cover cropping;
- (3) strip cropping;
- (4) cross-slope tillage;
- (5) zone or no-tillage;
- (6) pre-sidedress nitrate tests;
- (7) annual maintenance of a nutrient management plan that is no longer receiving funding under a state or federal contract, provided the maximum assistance provided to a farmer under this subdivision shall be \$1,000.00 per year; and
- (8) educational and instructional activities to inform the farmers and citizens of Vermont of:
 - (A) the impact on Vermont waters of agricultural waste discharges;
 - (B) the federal and state requirements for controlling agricultural waste discharges.

(b) Funding available under section 4827 of this title for nutrient management planning may be used to fund practices under this section.

Sec. 2. REPEAL

Sec. 80a of No. 215 of the Acts of the 2005 Adj. Sess. (2006) is hereby repealed and replaced by 6 V.S.A. § 4951.

Sec. 3. 6 V.S.A. § 4824(a) is amended to read:

(a) State grant. State financial assistance awarded under this subchapter shall be in the form of a grant. When a state grant is intended to match federal financial assistance for the same on-farm improvement project, the state grant shall be awarded only when the federal financial assistance has also been approved ~~for~~ or awarded. An applicant for a state grant shall pay at least 15 percent of the total eligible project cost. The dollar amount of a state grant shall be equal to the total eligible project cost, less 15 percent of the total as paid by the applicant, and less the amount of any federal assistance awarded, except that a state grant shall not exceed ~~50~~ 80 percent of the total eligible project cost.

Sec. 4. EFFECTIVE DATE

This act shall take effect upon passage.

Rep. Johnson of South Hero, for the committee on Appropriations, recommended the bill ought to pass in concurrence when amended as recommended by the committee on Agriculture.

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 committees on Agriculture and Appropriations were agreed to and third reading ordered.

Favorable Report; Third Reading Ordered

S. 366

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

An act relating to the administration of the voter's oath or affirmation;

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