(f) Clean energy development fund manager. The clean energy development fund shall have a fund manager who shall be a state employee retained and supervised by the board and housed within and assigned for administrative purposes to the ~~office of the treasurer~~ department of public service.

* * *

(h) All ARRA funds placed in the clean energy development fund shall be disbursed, administered, and accounted for in a manner that ensures rapid deployment of the funds, is consistent with all requirements of ARRA, including requirements for administration of funds received and for transparency and accountability. These funds shall be maintained in a separate account specifically restricted to ARRA funds within the clean energy development fund. These funds shall be for the following, provided that no single project directly or indirectly receives a grant in more than one of these categories:

* * *

(9) The clean energy development board is authorized, to the extent allowable under ARRA, to utilize up to 10 percent of ARRA funds received for the purpose of administration. ~~One half of this amount shall be allocated to the treasurer to retain permanent, temporary, or limited service positions or contractors to administer such funds, and the other half of this amount shall be allocated to the oversight of specific projects receiving ARRA funding through the clean energy development fund.~~ The board shall allocate a portion of the amount utilized for administration to retain permanent, temporary, or limited service positions or contractors to administer such funds and the remaining portion to the oversight of specific projects receiving ARRA funding through the clean energy development fund.

(i) ~~The treasurer shall consult with the other directors of the clean energy development fund board and the commissioner of public service and adopt rules pursuant to 3 V.S.A. chapter 25 to carry out this section. The treasurer shall adopt an initial set of rules under this subsection no later than July 15, 2009 and may use the emergency rulemaking process provided under 3 V.S.A. § 844 to do so. In adopting the initial set of rules, the treasurer shall consult with any at-large board directors who have been appointed, the chief recovery officer, and the commissioner of public service. Any rules adopted by the treasurer under this subsection shall comply with all of the following:~~

~~(1) The rules shall contain those provisions necessary to assure compliance with requirements for any funds received by the fund through~~

~~ARRA.~~

~~(2) The rules shall support efforts to coordinate applications for competitive or other funding opportunities under ARRA from various entities within Vermont.~~

~~(3) The rules shall provide reasonable opportunities for small businesses to participate in competitive or other funding opportunities~~ The clean energy development board may adopt rules pursuant to 3 V.S.A. chapter 25 to carry out this section. The board shall consult with the commissioner of public service either before or during the rulemaking process.

* * *

Sec. 5. Sec. 95 (transition; position transfer) of H. 313 (2009) is amended to read:

* * *

(b) All at-large directors of the clean energy development fund board shall be appointed within 21 days of passage of this act, and the board shall assume supervision of the clean energy development fund on ~~the initial adoption of rules under 10 V.S.A. § 6523(i) or~~ August 1, 2009~~, whichever is earlier~~. Until such time, the clean energy development fund advisory and investment committees enabled under prior law shall continue to exist, and ~~they and~~ the commissioner of public service and they shall continue to have all authorities as under prior law with respect to the clean energy development fund.

* * *

Sec. 6. EFFECTIVE DATE; APPLICATION

Sec. 4 of this act shall amend 10 V.S.A. § 6523 as amended by Sec. 93 of H. 313 (2009) and Secs. 4 and 5 of this act shall be effective as of the date of enactment of H. 313 (2009).

* * * Vermont Telecom Special Fund Authority * * *

Sec. 7. REPEAL

Sec. D.101(a)(1)(A) of H. 441 of 2009 is repealed, effective upon the date of enactment of H. 441.

Sec. 8. FUND TRANSFERS

The following amounts are transferred from the general fund to the communications and information technology internal service fund established by 22 V.S.A. § 902a: $400,000 for operating expenses of the Vermont telecommunications authority. It is the intent of the general assembly to fund the operations of the authority in fiscal year 2010. The public service department may direct up to $350,000 of special funds available from receipt of fines or penalties in fiscal year 2010 for additional operating costs of the authority. The department of finance and management is directed to authorize anticipated receipts for up to $350,000.

* * *

* * * Vermont Tobacco Review Board * * *

Sec. 9. FISCAL YEAR 2010 BRIDGE FUNDING FOR TOBACCO PROGRAMS

Notwithstanding 18 V.S.A. § 9502, in fiscal year 2010, $1,500,000.00 is transferred from the tobacco trust fund to the tobacco litigation settlement fund, and the same amount is appropriated from the tobacco litigation settlement fund to the department of health to be allocated for use by the tobacco evaluation and review board. It is the intent of the general assembly that these funds are a mechanism for maintaining tobacco cessation and prevention programs in fiscal year 2010 while the board plans programming in fiscal year 2011 that recognizes the potential for reduced levels of funding.

* * * E.1103 Reductions in Force, Etc. * * *

Sec. 10. COST REDUCTION AUTHORIZATION

(a) Due to the current and continuing fiscal stress that will impact the Vermont state budget, the secretary of administration is authorized to develop a two-part savings plan for submission to the legislative joint fiscal committee to make $14,700,000 in fiscal year 2010 general fund reductions and proportionate reductions in other funding sources through revisions to payroll- and personnel-services-related expenditures as indicated in this section. The secretary may prepare such a savings plan for approval by the joint fiscal committee if the general assembly is not in session and the savings plan is necessary to ensure a balanced budget in the general fund or the transportation fund.

(b) The first part of the secretary of administration's plan shall reduce budgeted contract expenditures for fiscal year 2010 by $1,300,000 in general funds. In the event that such expenditure reductions are not identified by October 31, 2009, the secretary of administration shall submit a plan of recommendation to achieve this general fund savings target by alternate reductions in budgeted funds to the joint fiscal committee in November 2009.

(c) Under the second part of the plan, the general assembly strongly urges the Vermont state employees' association and the secretary of administration to negotiate contract changes and other personnel adjustments to achieve expenditure reductions of $13,400,000 in general funds and proportionate reductions in other funding sources that avoid job cuts. In negotiating contract revisions, the general assembly recommends the parties consider the following principles in achieving a contract modification to produce the savings:

(1) Any such changes or reductions shall include proportional impacts on exempt employees, classified confidential, and other employee classifications; and

(2) Changes should reflect the ability to pay with larger expected savings from higher paid employees.

(d) In the event that the $13,400,000 expenditure reductions are not achieved as described in subsection (c) of this section, the secretary of administration shall develop an alternate savings plan for submission to the legislative joint fiscal committee on or before July 10, 2009. If the secretary's alternate savings plan results in reductions in force greater than one percent of the entire state workforce, meaning all full-time, permanent, classified and exempt state employees, as measured cumulatively from June 2, 2009, the alternate savings plan shall not become effective unless approved or deemed approved by the joint fiscal committee under subsection (g) of this section. The secretary's alternate savings plan may include alternatives to position reductions and shall not be limited to positions already submitted to the legislature in list development.

(e) In developing a plan under this section, the secretary shall comply with the following standards:

(1) The plan shall include proportional impacts on exempt employees, classified confidential, and other employee classifications;

(2) Impacts on service delivery, public health, safety and cost transfers to other levels of government shall be minimized;

(3) Departments shall have the option, to the extent allowable by contract, to avoid position elimination through reductions of working hours;

(4) The plan shall minimize any negative effects on the delivery of services to the public;

(5) The plan shall not have any unduly disproportionate effect on any single function, program, service, or benefit;

(6) The plan shall apply the standards in subdivisions (1) through (5) of this subsection to all state employees in all branches of government, and

shall allow agency or department heads to adjust the salaries or furloughs of exempt employees who have already taken furloughs or salary reductions in excess of the impacts of the plan described in this section to make them consistent with these standards; and

(7) The plan shall reflect the priorities established by the general assembly in the fiscal year 2010 appropriations act, including the priorities established by the general assembly for the operation of corrections facilities.

(f) Any plan developed by the secretary under subsection (b) or (d) of this section shall indicate:

(1) All proposed reductions in expenditures authorized by a general appropriations or budget adjustment act;

(2) The effect of the expenditure reduction on the primary purposes of the program for which the appropriation was made;

(3) How the plan is designed to minimize any negative effects on the delivery of services to the public;

(4) Any disproportionate effects on any single function, program, service, benefit, or county; and

(5) If the secretary's plan under subsection (b) or (d) of this section includes reductions in operations at any correctional facility, the plan shall include an analysis of the regional impact, including how increased transportation costs will be funded.

(g) An alternate savings plan developed under subsection (d) of this section shall be filed with the joint fiscal committee and shall not become effective unless approved or deemed approved by the joint fiscal committee as set forth under this subsection. The joint fiscal committee shall meet within 14 days of the date the secretary's plan is filed, to review and act upon the plan in accordance with the standards in subsection (e) of this section. If the committee fails to meet within that period or meets but fails to act upon the plan, the plan shall be deemed approved by the committee, and the secretary may then implement the plan. If the plan does not meet the standards in subsection (e) of this section, the committee may disapprove the plan and if disapproved, the plan may not be implemented.

Sec. 11. REPEAL

Sec. E.1103 of H. 441 of 2009 is repealed as of the date of enactment of H. 441 of 2009.

* * * State Employees Retirement Incentive * * *

Sec. 12. REPEAL

Sec. E.135.2 of H. 441 of 2009 as enacted is repealed as of the date of enactment of H. 441.

Sec. 13. STATE EMPLOYEE RETIREMENT INCENTIVE

(a)(1) An individual who is employed by the state on June 1, 2009 and participates in either the defined benefit or defined contribution plan, has either 30 years of service or is age 62 with five years of service as of July 1, 2009, and does not initiate the purchase of any additional service credit after May 1, 2009 shall be eligible for the retirement incentive set forth in this section. The retirement division of the state treasurer's office shall offer the retirement incentive to all eligible employees. If more than 300 eligible employees apply, the retirement division shall utilize a lottery system to limit the incentive to no more than 300 employees.

(2) If an employee applies for retirement by July 31, 2009 for a retirement effective September 1, 2009, the employee shall be entitled to:

(A) Payment by the state of at least 80 percent of the cost of the premium for health insurance coverage offered by the state of Vermont to retirees, provided he or she continues to meet the eligibility requirements, for at least seven years following retirement, unless the employee elects the premium reduction option under subsection 479(e) of Title 3;

(B) $500.00 per year of service if the employee has fewer than five years of creditable service;

(C) $750.00 per year of service if the employee has five years of creditable service or more and fewer than 15 years of creditable service;

(D) $1,000.00 per year of service if the employee has 15 years of creditable service or more.

(b) An employer may stagger the retirement dates of multiple retiring employees if necessary to continue the normal of operation of business. However, no retirement date shall be later than March 1, 2010.

(c) The incentive set forth in subsection (a) of this section shall not exceed $15,000.00 per employee. An employee shall receive the cash portion of the retirement incentive in two equal payments in fiscal years 2010 and 2011. The first payment shall be made within 90 days of the retirement date. The second payment shall be made within 30 days of the one-year anniversary of the retirement date. The retirement incentive shall not be paid from the Vermont state retirement fund as set forth in section 473 of Title 3.

(d) No employee who receives the incentive set forth in subsection (a) of this section may return to state employment for at least one fiscal year unless:

(1) the secretary of administration otherwise approves for an executive branch employee;

(2) the chief justice of the supreme court otherwise approves for a judicial branch employee; or

(3) the speaker of the house and the president pro tempore of the senate otherwise approve for a legislative branch employee.

(e) The joint fiscal committee shall be notified of any employees who have received the incentive set forth in subsection (a) of this section and who return to state employment within one fiscal year.

(f) The retirement incentive set forth in subsection (a) of this section shall be treated as a severance payment under subdivision 1344(a)(5)(F) of Title 21 and shall be a disqualifying remuneration.

(g) The joint fiscal committee may vote to increase the number of individuals who are eligible for the retirement incentive set forth in this section.

(h) The state treasurer shall report the number of individuals applying for the retirement incentive set forth in this section by agency to the joint fiscal committee by August 5, 2009.

(i) Members of the Vermont state retirement system who are not employed by the state of Vermont shall not be eligible for the retirement incentive set forth in this section.

(j) In order to realize cost savings to state government, at least one-third of the number of positions vacated as a result of this retirement incentive program must remain vacant. No later than January 15, 2010, the secretary of administration, the chief justice of the supreme court, the speaker of the house and the president pro tempore of the senate shall recommend to the legislature which of the vacant positions within each of their respective branches should be permanently eliminated.

.* * * North Link * * *

Sec 14. NORTH LINK FUNDING

In fiscal year 2010, $500,000.00 is appropriated from the general fund to the Vermont Telecommunications Authority, to be used only for financing a transaction with Northern Enterprises, Inc. ("North Link") for purchase or capital lease of infrastructure to support provision of broadband or cellular services in areas of the state now unserved; and the purchase or lease shall be on commercially reasonable terms agreeable to both parties.

Sec. 15. [deleted]

* * * Tax Provisions * * *

*** * * Capital Gains Limitation * * ***

Sec. 16a. 32 V.S.A. § 5811(21) is amended to read:

(21) "Taxable income" means federal taxable income determined without regard to Section 168(k) of the Internal Revenue Code and:

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

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

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

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

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

(i) income from United States government obligations;

(ii) with respect to adjusted net capital gain income as defined in Section 1(h) of the Internal Revenue Code:

(I) if the taxpayer is aged 70 or older as of the last day of the tax year, or for adjusted net capital gain income from the sale of a farm or from the sale of standing timber, each as defined in subdivision (26) of this section, 40 percent of adjusted net capital gain income but the total amount of decrease under this subdivision (ii)(I) shall not exceed 40 percent of federal taxable income; provided, however, that a taxpayer aged 70 or older as of the last day of the tax year may elect to subtract his or her adjusted net capital gains pursuant to subdivision (21)(B)(ii)(II) of this section.

(II) for taxpayers aged 70 or older as of the last day of the tax year who so elect and for all other capital gain income, the first ~~$5,000.00~~ $2,500.00 of adjusted net capital gain income ~~as defined in Section 1(h) of the Internal Revenue code~~; and

(iii) recapture of state and local income tax deductions not taken against Vermont income tax.

Sec. 16b. 32 V.S.A. § 5811(21) is amended to read:

(21) "Taxable income" means federal taxable income determined without regard to Section 168(k) of the Internal Revenue Code and:

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

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

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

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

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

(i) income from United States government obligations;

(ii) with respect to adjusted net capital gain income as defined in Section 1(h) of the Internal Revenue Code:

(I) ~~if the taxpayer is aged 70 or older as of the last day of the tax year or~~ for adjusted net capital gain income from the sale of a farm or from the sale of standing timber, each as defined in subdivision (26) of this section, 40 percent of adjusted net capital gain income but the total amount of decrease under this subdivision (ii)(I) shall not exceed 40 percent of federal taxable income; ~~provided, however, that a taxpayer aged 70 or older as of the last day of the tax year may elect to subtract his or her adjusted net capital gains pursuant to subdivision (21)(B)(ii)(II) of this section.~~

(II) ~~for taxpayers aged 70 or older as of the last day of the tax year who so elect and~~ for all other capital gain income, the first ~~$2,500.00~~ <u>$5,000.00</u> of adjusted net capital gain income; and

(iii) recapture of state and local income tax deductions not taken against Vermont income tax.

Sec. 17. 32 V.S.A. § 5811(26) is added to read:

<u>(26)(A) For purposes of subdivision (21)(B)(ii)(I) of this section, the sale of a farm shall mean the disposition of real and personal property owned</u>

by a farmer as that term is defined in subsection 3752(7) of this title and used by the farmer in the business of farming as that term is defined in Regulation 1.175-3 issued under the Internal Revenue Code of 1986.

(B) For purposes of subdivision (21)(B)(ii)(I) of this section, the sale of standing timber shall mean the disposition of standing timber by an owner of timber that would give rise to the owner recognizing a capital gain or loss as defined in Section 631(b) of the Internal Revenue Code.

Sec. 18. EFFECTIVE DATE AND TRANSITION RULE

(a) Sec. 16a of this act shall apply to adjusted net capital gain income earned or received by a taxpayer on or after July 1, 2009 and before January 1, 2011, except that in calculating 2009 taxable year taxes only, taxpayers shall subtract from taxable income 40 percent of adjusted net capital gain income earned or received after December 31, 2008 but before July 1, 2009 and shall subtract from taxable income the first $1,250.00 of adjusted net capital gain income earned or received on or after July 1, 2009 but before January 1, 2010.

(b) Sec. 16b of this act shall apply to adjusted net capital gain income earned or received by a taxpayer on or after January 1, 2011.

(c) Sec. 17 of this act shall apply to adjusted net capital gain income earned or received by a taxpayer on or after July 1, 2009.

Sec. 19. Subdivision (12) of Sec. 58 of H. 441 of 2009 as enacted is amended to read:

(12) ~~Sec. H.47 (capital gains exemption and state income tax deduction) shall apply to taxable years beginning on or after January 1, 2009.~~ The capital gains exemption provisions of Sec. H.47, which provisions are further amended by Sec. 16a of this act, shall apply to capital gains earned or received by a taxpayer on and after July 1, 2009; and the state income tax deduction add-back provisions of Sec. H.47 shall apply to taxable years beginning on or after January 1, 2009.

*** * * Personal Income Tax Rates * * ***

Sec. 20. PERSONAL INCOME TAX RATES

(a) For taxable year 2009 only, income tax rates under 32 V.S.A. § 5822, after taking into account any inflation adjustments to taxable income as required under subdivision 5822(b)(2), shall be as follows:

For taxable income which, without the passage of this act, would be	That taxable income shall instead be taxed

subject to tax at the following rate (%):	at the following rate (%):
3.60	3.55
7.20	7.00
8.50	8.25
9.00	8.90
9.50	9.40

(b) For taxable year 2010 and after, income tax rates under 32 V.S.A. § 5822, after taking into account any inflation adjustments to taxable income as required under subdivision 5822(b)(2), shall be as follows:

For taxable income which, without the passage of this act, would be subject to tax at the following rate (%):	That taxable income shall instead be taxed at the following rate (%):
3.60	3.55
7.20	6.80
8.50	7.80
9.00	8.80
9.50	8.95

Sec. 21. STATUTORY REVISION

The legislative council is directed to revise the Vermont Statutes Annotated to reflect the income tax rate changes in Sec. 20 of this act.

*** * * Research and Development Tax Credit * * ***

Sec. 22. 32 V.S.A. chapter 151, subchapter 11L is added to read:

Subchapter 11L. Research and Development Tax Credit

§ 5930ii. RESEARCH AND DEVELOPMENT TAX CREDIT

(a) A taxpayer of this state shall be eligible for a credit against the tax imposed under this chapter in an amount equal to 30 percent of the amount of the federal tax credit allowed in the taxable year for eligible research and development expenditures under Section 41(a) of the Internal Revenue Code and which are made within this state.

(b) Any unused credit available under subsection (a) of this section may be carried forward for up to ten years.

Sec. 23. EFFECTIVE DATE AND TRANSITION RULE

Sec. 22 of this act shall apply to eligible research and development expenditures made on or after January 1, 2011.

*** * * Sales and Use Tax Holidays * * ***

Sec. 24. SALES AND USE TAX HOLIDAYS

(a) Notwithstanding the provisions of chapter 233 of Title 32 and section 138 of Title 24, no sales and use tax or local option sales tax shall be imposed or collected on sales to individuals for personal use of items of tangible personal property at a sales price of $2,000.00 or less on August 22, 2009 and March 6, 2010.

(b) A vendor in good standing shall be entitled to claim reimbursement for its expenditures for the reprogramming of cash registers and computer equipment which were in use at the place of business on and after August 22, 2009 for the August 22, 2009 sales tax holiday and for the reprogramming of cash registers and computer equipment which were in use at the place of business on and after March 6, 2010 for the March 6, 2010 sales tax holiday. Claims must be filed with the department of taxes within 60 days of the date of the respective sales tax holiday, with receipts or such other documentation the department may require. The amount of reimbursement to each vendor shall not exceed the least of the three following amounts: the actual cost to the vendor of reprogramming its cash registers and computer equipment; $50.00; or $10,000.00 divided by the number of qualified vendor applicants.

(c) Any municipality with a local option sales tax affected by the sales tax holidays imposed by this section shall be reimbursed from the department of taxes for the amount of local option sales tax revenues lost to the municipality. The commissioner of taxes shall develop a methodology for determining such reimbursement. The commissioner shall also adjust the deposit in the PILOT special fund for lost deposits due to the sales tax holidays. Should the amount appropriated for these purposes under subsection (d) of this section be insufficient to fully reimburse the municipalities and adjust the PILOT special fund, reimbursements to municipalities shall take priority.

(d) In fiscal year 2010, $10,000.00 in general funds is appropriated for payments for the reprogramming under subsection (b) of this section, and $100,000.00 in general funds is appropriated for the reimbursement to municipalities and adjustments under subsection (c) of this section.

Sec. 25. NEXT GENERATION SCHOLARSHIPS

In addition to other Next Generation appropriations, notwithstanding the provisions of section 2885(a)(2) of Title 16, the first $1.5 million of funds raised by the estate tax levied under chapter 190 of Title 32 shall be deposited into the general fund, in lieu of the higher education endowment trust fund, for higher education scholarships consistent with Sec. 5.801(a)(3)(B) of No. 192 of the Acts of 2008, as follows:

(a) $500,000 to the University of Vermont;

(b) $500,000 to the Vermont State Colleges; and

(c) $500,000 to the Vermont Student Assistance Corporation.

Sec. 26. INFORMATION CENTER FUNDING

(a) In fiscal year 2010, $300,000 of the general funds appropriated to the department for children and families - Reach Up, carried forward from fiscal year 2009, shall revert to the general fund in fiscal year 2010.

(b) In fiscal year 2010, $300,000 of general funds are appropriated to the department of buildings and general services – information centers for operating costs of the information centers in fiscal year 2010.

Sec. 27. Sec. C.106(b) of H. 441 of 2009 is amended and Sec. C.106(c) of H. 441 of 2009 is added to read:

(b) After the general fund budget stabilization reserve attains its statutory maximum, any additional unreserved and undesignated general fund balance ~~shall be reserved in the revenue shortfall reserve established in 32 V.S.A. § 308(d)~~ not to exceed $3,321,444 shall be retained in the general fund, and that amount shall be reduced from the amount of the special fund assessment in Sec. D.101(a)(4) of this act.

(c) After satisfying subsection (b) of this section, any additional unreserved and undesignated general fund balance shall be reserved in the revenue shortfall reserve established in 32 V.S.A. § 308(d).

*** Effective Date ***

Sec. 28. EFFECTIVE DATE

This act shall take effect upon passage.

SUSAN J. BARTLETT
ANN E. CUMMINGS
DIANE B. SNELLING

Committee on the part of the Senate

JANET ANCEL
MARTHA P. HEATH
JAMES O'NEILL CONDON

Committee on the part of the House

Pending the question, Shall the report of the Second Committee of Conference be adopted? **Rep. Poirier of Barre City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Second Committee of Conference be adopted? was decided in the affirmative. Yeas, 124. Nays, 12.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland *
Ainsworth of Royalton
Ancel of Calais
Andrews of Rutland City
Aswad of Burlington
Atkins of Winooski
Bissonnette of Winooski
Bohi of Hartford
Botzow of Pownal
Branagan of Georgia
Bray of New Haven *
Browning of Arlington
Burke of Brattleboro
Canfield of Fair Haven
Cheney of Norwich
Clark of Vergennes
Clarkson of Woodstock
Clerkin of Hartford
Condon of Colchester
Conquest of Newbury
Consejo of Sheldon
Copeland-Hanzas of Bradford
Corcoran of Bennington
Courcelle of Rutland City
Crawford of Burke
Davis of Washington
Devereux of Mount Holly
Dickinson of St. Albans Town
Donaghy of Poultney *
Donovan of Burlington
Edwards of Brattleboro
Emmons of Springfield
Evans of Essex
Fagan of Rutland City *
Fisher of Lincoln
Flory of Pittsford *
Frank of Underhill
French of Shrewsbury
French of Randolph
Geier of South Burlington
Gilbert of Fairfax
Grad of Moretown
Greshin of Warren
Haas of Rochester
Head of South Burlington
Heath of Westford
Hooper of Montpelier
Howard of Rutland City
Howrigan of Fairfield
Hube of Londonderry
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City
Kilmartin of Newport City *
Kitzmiller of Montpelier
Klein of East Montpelier
Koch of Barre Town
Komline of Dorset
Lanpher of Vergennes
Larocque of Barnet
Larson of Burlington
Lawrence of Lyndon
Lenes of Shelburne
Leriche of Hardwick
Lewis of Derby
Lippert of Hinesburg
Lorber of Burlington
Macaig of Williston
Maier of Middlebury
Malcolm of Pawlet
Manwaring of Wilmington
Marcotte of Coventry
Marek of Newfane *
Martin of Springfield
Martin of Wolcott
Masland of Thetford
McCullough of Williston
McDonald of Berlin
McFaun of Barre Town
McNeil of Rutland Town
Milkey of Brattleboro
Miller of Shaftsbury
Minter of Waterbury
Mitchell of Barnard
Mook of Bennington
Moran of Wardsboro
Morley of Barton
Morrissey of Bennington
Mrowicki of Putney
Myers of Essex
Nease of Johnson
O'Brien of Richmond
Obuchowski of Rockingham
O'Donnell of Vernon
Orr of Charlotte
Partridge of Windham
Pearce of Richford
Pellett of Chester

Peltz of Woodbury
Perley of Enosburg
Potter of Clarendon
Pugh of South Burlington
Ram of Burlington
Savage of Swanton *
Shand of Weathersfield
Smith of Mendon
South of St. Johnsbury
Stevens of Waterbury
Sweaney of Windsor
Taylor of Barre City
Till of Jericho
Toll of Danville
Townsend of Randolph
Waite-Simpson of Essex
Webb of Shelburne
Westman of Cambridge
Weston of Burlington
Wheeler of Derby
Wizowaty of Burlington
Wright of Burlington *
Zenie of Colchester
Zuckerman of Burlington *

Those who voted in the negative are:

Baker of West Rutland
Brennan of Colchester
Donahue of Northfield *
Higley of Lowell
McAllister of Highgate
Peaslee of Guildhall
Poirier of Barre City *
Reis of St. Johnsbury *
Scheuermann of Stowe *
Sharpe of Bristol
Turner of Milton
Wilson of Manchester

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

Audette of South Burlington
Deen of Westminster
Helm of Castleton
Hubert of Milton
Johnson of Canaan
Krawczyk of Bennington
Nuovo of Middlebury
Rodgers of Glover
Spengler of Colchester
Stevens of Shoreham
Trombley of Grand Isle
Winters of Williamstown
Young of St. Albans City

Rep. Adams of Hartland explained his vote as follows:

"Mr. Speaker:

How many times does it take to get a budget right? It obviously wasn't once nor was it twice. This is attempt number three and I vote yes because there are a few positives included, thanks to our Governor pointing out the fallacies of the original document. I continue to be saddened that we couldn't do what previous legislatures have done – pass a clan, balanced and responsible budget."

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

"Mr. Speaker:

I have voted yes two days running, knowing full well yesterday that the companion bill publically announced last week, and before us today as H. 442, were offered as a package of bills. Yesterday's H. 441 budget was 161 pages and 3381 lines long, containing many, many compromises. Today's companion bill was a further compromise, an explicit response to the Governor's veto message.

We can improve our process, but let's not confuse a lack of consensus with a lack of compromise. We can improve our performance, but let's not confuse disagreement with a lack of respect.

H. 441 and H. 442 combined reflect a fiscally and socially responsible strategy for helping all Vermonters come through this economic downturn to build the better state we all desire."

Rep. Donahue of Northfield explained her vote as follows:

"Mr. Speaker:

Our country was founded upon principles of shared power. Fundamental to it is the transparent and open process of government.

Yesterday's vote was a scam – a scam perpetuated upon this body and the people of Vermont. We were told that we were voting on whether to uphold the budget passed by this Legislature in May, not that we were voting on a budget with pending, substantive, revisions already decided upon.

Our acts today are a culmination of a session in which the deliberative process was eviscerated not only to the point of repeated errors, but also with a growing disrespect for our obligation to stewardship of the democratic process."

Rep. Donaghy of Poultney explained his vote as follows:

"Mr. Speaker:

Vermonters, I would like to thank you, Governor Douglas, for your leadership and impetus in bringing about these much needed changes as we see in H. 442.

It's too bad we did it the was we did."

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

"Mr. Speaker:

Employers in our state volunteered to be a part of the solution regarding unemployment compensation. They volunteered to increase the taxes they pay into the fund and asked that recipients of benefits take a small reduction in benefits. The Representative from Burlington yesterday said that we should all get out of the car and push, this bill allows those who receive benefits to remain in the car and hot help. Is this how we thank those who volunteer to help!."

Rep. Flory of Pittsford explained her vote as follows:

"Mr. Speaker:

Although I believe this is akin to putting bubble gum in a cracked dike, I vote yes because we are finally starting to address some of the fiscal issues many of us have been pushing for since January.

Hopefully, we can all work together in January to establish a viable, sustainable budget on the first try.

Hopefully, the bubble gum will hold the dam back until then."

Rep. Kilmartin of Newport City explained his vote as follows:

"Mr. Speaker:

I vote yes, but oh so reluctantly. The process behind H. 442 and the override of the Governor's veto shows a level of political gamesmanship that violates the rules and reveals the highest level of hypocrisy. The improvements in the budget of the Democratic caucus are marginal at best, but have been carefully contrived to attempt to obfuscate the awfulness of the budget. Make no mistake, H. 441 has been unmasked as a travesty injurious to the people of Vermont. H. 442 cannot remask what has been unmasked.."

Rep. Marek of Newfane explained his vote as follows:

"Mr. Speaker:

This conference report makes several improvements in our already strong budget work. It continues to carry out our responsibility to be both responsible and protect those Vermonters who need it most. That is why it passed so overwhelmingly in this House. No explanation changes that reality."

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

"Mr. Speaker:

While there are good components to H. 442, I voted no because I cannot support any legislation that negates on a commitment to the working people of Vermont. $13.00 may not seem like a large amount, but it is if, you have lost your job."

Rep. Reis of St. Johnsbury explained his vote as follows:

"Mr. Speaker:

This so-called "companion bill" is nothing more than sugarcoating on the poison pill this body fed to Vermonters yesterday, with the budget bill."

Rep. Savage of Swanton explained his vote as follows:

"Mr. Speaker:

I voted yes on H. 442 reluctantly. I feel that it will provide Vermonters some protection from the erupting sewer that we call H. 441."

Rep. Scheuermann of Stowe explained her vote as follows:

"Mr. Speaker:

While there are provisions in this bill that will improve the tragedy we passed yesterday, we did not address the underlying problems of the budget – the large spending increases, the large tax increase, and the $200 million hole. Simply put, this legislature failed the people of Vermont. We failed to do our jobs – what Vermonters expected us to do to get us through this economic crisis.

H. 442 simply tries to cover up our failures and I will not be a part of it."

Rep. Wright of Burlington explained his vote as follows:

"Mr. Speaker:

I support H. 442 because it makes a seriously flawed bill marginally better. But this "companion" budget legislation was negotiated first in the press, next by a small number of legislators – but never in an appropriate manner.... Working together with the Governor and the minority. This process was anything but open and transparent and has further served to undermine this body's credibility."

Rep. Zuckerman of Burlington explained his vote as follows:

"Mr. Speaker:

I have never been in the party of power. But I have not felt the process has been disrespected by this leadership or any other in the thirteen years I have been in the Legislature."

Thereupon, pursuant to Rule 41, the title is amended to read as follows:

An act relating to miscellaneous provisions

On motion of **Rep. Nease of Johnson**, the rules were suspended and action on the bill was ordered messaged to the Senate forthwith and the bill delivered to the Governor forthwith.

Recess

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

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

Senate Bill Introduced; Rules Suspended; Bill Read Second Time; Proposals of Amendment Agreed to and Third Reading Ordered; Consideration Interrupted by Recess

S. 1

Senate bill, entitled

An act relating to seeking a Medicaid waiver renewal and relating to technical corrections to the following acts of 2009: underground storage tanks and the petroleum cleanup fund (H. 83), the Vermont Recovery and Reinvestment Act of 2009 (H. 313), the BIG BILL - Fiscal Year 2010 Appropriations Act (H. 441), health care reform (H. 444), and capital construction and bonding (H. 445);

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

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Nease of Johnson**, the rules were suspended and the bill was taken up for immediate consideration.

Rep. Larson of Burlington, for the committee on Appropriations, to which the bill had been referred recommended that the House propose to the Senate that the bill be amended by adding Sec. 22c to read as follows:

Sec. 22c. 32 V.S.A. § 1671(a)(6) is amended to read:

(6) ~~Notwithstanding any other provision of law to the contrary, for~~ <u>For</u> the recording or filing, or both, of any document that is to become a matter of public record in the town clerk's office, or for any certified copy of such document, a fee of $10.00 per page shall be charged; except that for the recording or filing, or both, of a property transfer return, a fee of $10.00 shall be charged;

Thereupon, the bill was read the second time, report of the committee on Appropriations agreed to and third reading ordered.

Pending the question, Shall the bill be read the third time? **Rep. Ancel of Calais** moved to propose to the Senate to amend the bill as follows:

By adding a new Sec. 22b to read as follows:

Sec. 22b. Sec. 18(a) of H.442 of 2009 as enacted is amended to read:

(a) Sec. 16a of this act shall apply to adjusted net capital gain income earned or received by a taxpayer on or after July 1, 2009 and before January 1, 2011, except that in calculating 2009 taxable year taxes only, taxpayers shall subtract from taxable income 40 percent of adjusted net capital gain income earned or received after December 31, 2008 but before July 1, 2009 and shall subtract from taxable income the first ~~$1,250.00~~ <u>$2,500.00</u> of adjusted net capital gain income earned or received on or after July 1, 2009 but before January 1, 2010.

Which was agreed to.

Pending the question, Shall the bill be read the third time? **Rep. Kilmartin of Newport City** moved to propose to the Senate to amend the bill as follows:

By striking Sec. 11a in its entirety and inserting in lieu thereof a new Sec. 11a to read as follows:

Sec. 11a. REPEAL

19 V.S.A. § 1607 (federal reimbursement for certain utility relocations) is repealed.

Recess

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

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

Consideration Resumed; Proposals of Amendment Agreed to; Bill Read Third Time and Passed in Concurrence with Proposals of Amendment; Rules Suspended; Bill Ordered Messaged to the Senate Forthwith

S. 1

Consideration resumed on Senate bill, entitled

An act relating to seeking a Medicaid waiver renewal and relating to technical corrections to the following acts of 2009: underground storage tanks and the petroleum cleanup fund (H. 83), the Vermont Recovery and Reinvestment Act of 2009 (H. 313), the BIG BILL - Fiscal Year 2010 Appropriations Act (H. 441), health care reform (H. 444), and capital construction and bonding (H. 445);

Thereupon, the proposal of amendment offered by Rep. Kilmartin of Newport City was agreed to.

Pending third reading of the bill, **Rep. Kilmartin of Newport City** moved to propose to the Senate to amend the bill as follows:

In Sec. 13, 10 V.S.A. § 6523(e), by striking the first ellipsis after "Management of fund." and inserting in lieu thereof:

(1) There is created the clean energy development board, which shall consist of the following ~~nine~~ 10 directors:

(A) ~~Three~~ Two at-large directors appointed by the speaker of the house~~;~~.

(B) ~~Three~~ Two at-large directors appointed by the president pro tempore of the senate.

(C) ~~Two~~ Five at-large directors appointed by the governor.

(D) The state treasurer, ex officio.

Which was disagreed to.

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

First: By amending Sec. 16a of H.442 of 2009 as enacted to read:

Sec. 16a. 32 V.S.A. § 5811(21) is amended to read:

(21) "Taxable income" means federal taxable income determined without regard to Section 168(k) of the Internal Revenue Code and:

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

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

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

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

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

(i) income from United States government obligations;

(ii) with respect to adjusted net capital gain income as defined in Section 1(h) of the Internal Revenue Code:

(I) if the taxpayer is aged ~~70~~ 65 or older as of the last day of the tax year, or for adjusted net capital gain income from the sale of a farm or from the sale of standing timber, each as defined in subdivision (26) of this section, 40 percent of adjusted net capital gain income but the total amount of decrease under this subdivision (ii)(I) shall not exceed 40 percent of federal taxable income; provided, however, that a taxpayer aged ~~70~~ 65 or older as of the last day of the tax year may elect to subtract his or her adjusted net capital gains pursuant to subdivision (21)(B)(ii)(II) of this section.

(II) for taxpayers aged ~~70~~ 65 or older as of the last day of the tax year who so elect and for all other capital gain income, the first $2,500.00 of adjusted net capital gain income; and

(iii) recapture of state and local income tax deductions not taken against Vermont income tax.

Second: By striking Sec. 16b in its entirety.

Third: By amending Sec. 18 of H.442 of 2009 as enacted to read:

Sec. 18. EFFECTIVE DATE AND TRANISTION RULE

(a) Sec. 16a of this act shall apply to adjusted net capital gain income earned or received by a taxpayer on or after July 1, 2009 and before January 1, 2011, except that in calculating 2009 taxable year taxes only, taxpayers shall subtract from taxable income 40 percent of adjusted net capital gain income earned or received after December 31, 2008 but before July 1, 2009 and shall subtract from taxable income the first $2,500.00 of adjusted net capital gain income earned or received on or after July 1, 2009 but before January 1, 2010.

(b) ~~Sec. 16b of this act shall apply to adjusted net capital gain income earned or received by a taxpayer on or after January 1, 2011.~~

~~(c)~~ Sec. 17 of this act shall apply to adjusted net capital gain income earned or received by a taxpayer on or after July 1, 2009.

Pending the question, Shall the bill be amended as offered by Rep. Scheuermann of Stowe? **Rep. Brennan of Colchester** 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 offered by Rep. Scheuermann of Stowe? was decided in the negative. Yeas, 40. Nays, 79.

Those who voted in the affirmative are:

Adams of Hartland
Ainsworth of Royalton
Atkins of Winooski
Baker of West Rutland
Brennan of Colchester
Canfield of Fair Haven
Clark of Vergennes
Clerkin of Hartford
Consejo of Sheldon
Corcoran of Bennington
Devereux of Mount Holly
Dickinson of St. Albans Town
Donaghy of Poultney
Donahue of Northfield
Fagan of Rutland City
Flory of Pittsford
Higley of Lowell
Hube of Londonderry
Kilmartin of Newport City
Koch of Barre Town
Komline of Dorset
Lawrence of Lyndon
Lewis of Derby
McAllister of Highgate
McDonald of Berlin
McFaun of Barre Town
McNeil of Rutland Town
Morrissey of Bennington
Myers of Essex
O'Donnell of Vernon
Pearce of Richford
Peaslee of Guildhall
Perley of Enosburg
Reis of St. Johnsbury
Savage of Swanton
Scheuermann of Stowe
South of St. Johnsbury
Toll of Danville
Turner of Milton
Waite-Simpson of Essex

Those who voted in the negative are:

Acinapura of Brandon
Ancel of Calais
Andrews of Rutland City
Bissonnette of Winooski
Bohi of Hartford
Botzow of Pownal

Bray of New Haven
Browning of Arlington
Burke of Brattleboro
Cheney of Norwich
Clarkson of Woodstock
Conquest of Newbury
Courcelle of Rutland City
Crawford of Burke
Davis of Washington
Edwards of Brattleboro
Emmons of Springfield
Evans of Essex
Fisher of Lincoln
Frank of Underhill
French of Shrewsbury
French of Randolph
Geier of South Burlington
Gilbert of Fairfax
Grad of Moretown
Greshin of Warren
Haas of Rochester
Head of South Burlington
Heath of Westford
Hooper of Montpelier
Howard of Rutland City
Howrigan of Fairfield
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Klein of East Montpelier
Lanpher of Vergennes
Larson of Burlington
Lenes of Shelburne
Leriche of Hardwick
Lippert of Hinesburg
Lorber of Burlington
Macaig of Williston
Maier of Middlebury
Malcolm of Pawlet
Manwaring of Wilmington
Marek of Newfane
Martin of Springfield
Martin of Wolcott
Masland of Thetford
McCullough of Williston
Milkey of Brattleboro
Miller of Shaftsbury
Minter of Waterbury
Mitchell of Barnard
Mook of Bennington
Moran of Wardsboro
Mrowicki of Putney
Nease of Johnson
O'Brien of Richmond
Obuchowski of Rockingham
Orr of Charlotte
Partridge of Windham
Poirier of Barre City
Potter of Clarendon
Pugh of South Burlington
Ram of Burlington
Shand of Weathersfield
Sharpe of Bristol
Smith of Mendon
Stevens of Waterbury
Sweaney of Windsor
Taylor of Barre City
Townsend of Randolph
Webb of Shelburne
Weston of Burlington
Wilson of Manchester
Wizowaty of Burlington
Zuckerman of Burlington

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

Aswad of Burlington
Audette of South Burlington
Branagan of Georgia
Condon of Colchester
Copeland-Hanzas of Bradford
Deen of Westminster
Donovan of Burlington
Helm of Castleton
Hubert of Milton
Johnson of Canaan
Keenan of St. Albans City
Kitzmiller of Montpelier
Krawczyk of Bennington
Larocque of Barnet
Marcotte of Coventry
Morley of Barton
Nuovo of Middlebury
Pellett of Chester
Peltz of Woodbury
Rodgers of Glover
Spengler of Colchester
Stevens of Shoreham
Till of Jericho
Trombley of Grand Isle
Westman of Cambridge
Wheeler of Derby
Winters of Williamstown
Wright of Burlington
Young of St. Albans City
Zenie of Colchester

Rep. Marek of Newfane explained his vote as follows:

"Mr. Speaker:

A poor Vermonter who has a gain in their retirement account pays tax on every cent of that gain. This amendment would have given a 40% tax break on the same exact gain to a wealthy Vermonter if it happens outside a retirement account. That's not fair and it's not the Vermont way. That's why I voted no."

Rep. Scheuermann of Stowe explained her vote as follows:

"Mr. Speaker:

With this vote, we had a choice to drastically raise taxes on our struggling senior citizens or not. By choosing to raise the capital gains tax on them. Vermont seniors will be disappointed that we, in fact, just made their lives and retirement that much more difficult."

Rep. Webb of Shelburne explained her vote as follows:

"Mr. Speaker:

While I would like to support this amendment, I do not believe it can be accomplished without revisiting the entire bill to balance the difference."

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

First: By adding a new Sec. 11(c) to read:

(c) Sec. 7. of H.313 of 2009 (amending Sec. 7(a)(3) of No. 46 of the Acts of 2007, which allocated funding during FY 2007 and FY 2008 for career and alternative workforce education, all of which funds have already been spent) is repealed as of the date of passage of H.313.

and by redesignating the existing subsection 11(c) as subsection 11(d)

Second: By adding a new Sec. 11b to read as follows:

Sec. 11b. 16 V.S.A. § 2887(c) is added to read:

(c) Any funds appropriated to the department of labor from the next generation initiative fund to achieve employment or continued education for out-of-school youth, youth at risk, and youth at risk of remaining unemployed, shall be allocated as follows:

(1) At least 25 percent of the appropriation shall be used for grants to regional technical centers, comprehensive high schools, and other programs for career exploration programs for students entering grades seven through 12.

(2) At least 25 percent of the appropriation shall be used for grants to regional technical centers, comprehensive high schools, the community high school of Vermont, and non-profit organizations, as designated by the workforce development council, for alternative and intensive vocational or academic programs for secondary students in order to earn necessary credits toward graduation.

Which was agreed to

Thereupon, **Rep. Poirier of Barre City** raised a Point of Order that in Sec. 16 of the bill the delegation of authority to the Joint Fiscal Committee is in violation of Sec. 51 of *Mason's Manual of Legislative Procedure.*

Which Point of Order the Speaker ruled not well taken.

Pending third reading of the bill, **Rep. Poirier of Barre City** moved to propose to the Senate to amend the bill as follows:

By striking Sec. 16 in its entirety.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by Rep. Poirier of Barre City? **Rep. Poirier of Barre City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by Rep. Poirier of Barre City was decided in the negative. Yeas, 21. Nays, 97.

Those who voted in the affirmative are:

Baker of West Rutland
Canfield of Fair Haven
Clark of Vergennes
Donahue of Northfield
Howrigan of Fairfield
Hube of Londonderry
Kilmartin of Newport City
Komline of Dorset
Lorber of Burlington
McAllister of Highgate
McFaun of Barre Town
Moran of Wardsboro
Myers of Essex
O'Donnell of Vernon
Peaslee of Guildhall
Perley of Enosburg
Poirier of Barre City
Ram of Burlington
Savage of Swanton
Taylor of Barre City
Weston of Burlington

Those who voted in the negative are:

Acinapura of Brandon
Adams of Hartland
Ainsworth of Royalton
Ancel of Calais
Andrews of Rutland City
Atkins of Winooski
Bissonnette of Winooski
Bohi of Hartford
Botzow of Pownal
Bray of New Haven
Brennan of Colchester
Browning of Arlington
Burke of Brattleboro
Cheney of Norwich
Clarkson of Woodstock
Clerkin of Hartford
Conquest of Newbury
Consejo of Sheldon
Corcoran of Bennington
Courcelle of Rutland City
Crawford of Burke
Davis of Washington
Devereux of Mount Holly
Dickinson of St. Albans Town
Donaghy of Poultney
Edwards of Brattleboro
Emmons of Springfield
Evans of Essex
Fagan of Rutland City
Fisher of Lincoln
Flory of Pittsford
Frank of Underhill
French of Shrewsbury
French of Randolph
Geier of South Burlington
Gilbert of Fairfax
Grad of Moretown
Greshin of Warren
Haas of Rochester
Head of South Burlington
Heath of Westford
Higley of Lowell
Hooper of Montpelier
Howard of Rutland City
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Klein of East Montpelier
Koch of Barre Town
Lanpher of Vergennes
Larson of Burlington
Lawrence of Lyndon
Lenes of Shelburne
Leriche of Hardwick
Lewis of Derby
Lippert of Hinesburg

Macaig of Williston
Maier of Middlebury
Malcolm of Pawlet
Manwaring of Wilmington
Marek of Newfane
Martin of Springfield
Martin of Wolcott
Masland of Thetford
McCullough of Williston
McDonald of Berlin
McNeil of Rutland Town
Milkey of Brattleboro
Miller of Shaftsbury
Minter of Waterbury
Mitchell of Barnard
Mook of Bennington
Morrissey of Bennington
Mrowicki of Putney
Nease of Johnson
O'Brien of Richmond
Obuchowski of Rockingham
Orr of Charlotte
Partridge of Windham
Pearce of Richford
Potter of Clarendon
Pugh of South Burlington
Reis of St. Johnsbury
Scheuermann of Stowe
Shand of Weathersfield
Sharpe of Bristol
Smith of Mendon
South of St. Johnsbury
Stevens of Waterbury
Sweaney of Windsor
Toll of Danville
Townsend of Randolph
Turner of Milton
Waite-Simpson of Essex
Webb of Shelburne
Wilson of Manchester
Wizowaty of Burlington

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

Aswad of Burlington
Audette of South Burlington
Branagan of Georgia
Condon of Colchester
Copeland-Hanzas of Bradford
Deen of Westminster
Donovan of Burlington
Helm of Castleton
Hubert of Milton
Johnson of Canaan
Keenan of St. Albans City
Kitzmiller of Montpelier
Krawczyk of Bennington
Larocque of Barnet
Marcotte of Coventry
Morley of Barton
Nuovo of Middlebury
Pellett of Chester
Peltz of Woodbury
Rodgers of Glover
Spengler of Colchester
Stevens of Shoreham
Till of Jericho
Trombley of Grand Isle
Westman of Cambridge
Wheeler of Derby
Winters of Williamstown
Wright of Burlington
Young of St. Albans City
Zenie of Colchester
Zuckerman of Burlington

Thereupon, third reading was ordered.

On motion of **Rep. Nease of Johnson**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposals of amendment and, on motion of **Rep. Nease of Johnson**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Joint Resolution Adopted

J.R.H. 3

By Representatives Nease of Johnson and Komline of Dorset

J.R.H. 3 Joint resolution relating to final adjournment of the special session of the General Assembly in 2009.

Resolved by the Senate and House of Representatives

That when the Speaker of the House of Representatives and President of the Senate adjourn their respective houses on the third day of June, 2009, they shall do so to reconvene no later than the eleventh day of June, 2009, at ten o'clock in the forenoon if the Governor should fail to approve and sign any bill and should he return it to the house of origin with his objections in writing after such adjournment, or to adjourn the Special Session *sine die*, if the Governor should *not* so return any bill to either house.

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

Adjournment

At nine o'clock and twenty-five minutes in the evening, on motion of **Rep. Nease of Johnson**, the House adjourned *sine* die pursuant to the provisions of J.R.H. 3.

APPENDIX B

SPECIAL SESSION 2009

TABLE OF BILLS AND RESOLUTIONS

The following table includes all bills, joint resolutions, House resolutions, Executive Orders and Constitutional Proposals of Amendment acted on by the House of Representatives during the special session of 2009, arranged numerically with the name of the person introducing the same. Under each title is an abbreviated history of the action taken on the document with references to the pages of the printed House Journal on which such record of action taken may be found. The number in parentheses following the number of the bill shows the session law number in those instances when such bill became a law.

Following is a list of abbreviations and their meanings:

act	**action**
adj	**adjourn**
	adjournment
adpt	**adopt**
	adoption
adptd	**adopted**
adv	**adverse**
	adversely
agrd	**agreed**
Agri	**Agriculture**
amend	**amended**
	amendment
	amendments
app	**approve**
Appr	**Appropriations**
appt	**appoint**
	appointed
	appoints
C	**Committee**
	Committees
C of C	**Committee of Conference**
cal	**Calendar**
Comm	**Commerce**
cmtd	**committed**
con	**concur**
	concurred
	concurrence
cons	**consider**
	consideration
consti	**constitution/al**
C & I	**Corrections & Institutions**
delv	**deliver/ed**
disagr/d	**disagree/d**
disp	**dispense**
divid	**divide**
	divided
	division
Edu	**Education**
ent	**entered**
exp	**explained**
fav	**favorable**
FW & WR	**Fish, Wildlife and Water Resources**
fr	**from**
GH&MA	**General Housing and Military Affairs**
Gov	**Governor**
G O	**Government Operations**
H	**House**
H C	**Health Care**
H S	**Human Services**
indef	**indefinitely**
instnc	**instance**
Jt Assy	**Joint Assembly**
Judic	**Judiciary**
lv	**leave**
mess	**message/d**
mo	**motion**
N R & E	**Natural Resources and Energy**
neg	**negative**
O of D	**Orders of the Day**
offd	**offered**
ord	**order/ed**
pass	**passed/passage**
pndg	**pending**
pl	**placed**
pt of O	**point of order**
postp	**postpone/d**
prop	**proposal**
	propose/d
prov	**provision/s**

purs	**pursuant**	**R**	**Rules**
qstn	**question**	**Sen**	**Senate**
R C	**Roll Call**	**S O**	**Special Order**
rd	**read**	**stgs**	**stages**
rdg	**reading**	**subst/d**	**substitute/d**
recd	**received**	**susp/d**	**suspend/ed**
recom	**recommendation**		**suspension**
recmt/d	**recommit/ted**	**sustnd**	**sustained**
reconsid/d	**reconsider/ed**	**tkn**	**taken**
	reconsideration	**t**	**time**
ref	**referred**	**T**	**Title**
rej/d	**reject/ed**	**Trans**	**Transportation**
rel	**relieve/d**	**W & M**	**Ways and Means**
rep	**report/ed**	**w**	**with**
req	**request/ed**	**w o**	**without**
res	**resolution**	**wdr**	**withdraw**
resmd	**resumed**	**wdrn**	**withdrawn**
rl/d/s	**rul/d/s**		

HOUSE BILLS

By the Committee on Appropriations,

H. 441. (No. 0001) An act making appropriations for the support of government.

Veto of Gov overridden by a vote of Yeas = 100, Nays = 50, 10; R C Results pass -- Needed 100 of 150 to Pass -- Yeas = 100, Nays = 50, 10.

By the Committee on Ways and Means,

H. 442. (No. 0002) An act relating to miscellaneous provisions.

Speaker appt Ancel of Calais, Heath of Westford and Condon of Colchester as members of the C of C on the part of the H, 17; C of C rep/d agrd to (HH bill), 35; Rep. Poirier of Barre City demanded yeas and nays, 35; R C Results 124 Yea, 12 Nay, 35; Delv to the Gov on 6/3/2009; Signed by Gov on 6/9/2009.

JOINT HOUSE RESOLUTION S

By the Committee on Rules,

J.R.H. 1. Joint resolution relating to concurrent resolutions during the 2009 Special Session of the general assembly.

Rd and Adopted, 4.

By Representative Jewett of Ripton,

J.R.H. 2. (No. R005) Joint resolution authorizing the 2009 Girls' State civic education program to use the state house.

Rd and Adopted, 4.

By Representatives Nease of Johnson and Komline of Dorset,

J.R.H. 3. (No. R006) Joint resolution relating to final adjournment of the special session of the General Assembly in 2009.

Rd and Adopted, 47.

HOUSE RESOLUTIONS

By Representatives Nease of Johnson and Komline of Dorset,

H.R. 1. House resolution relating to adoption of rules to govern the Special Session of 2009.

Rd and Adopted, 2.

By Representatives Wizowaty of Burlington, Botzow of Pownal, Deen of Westminster, Donovan of Burlington, Masland of Thetford, Minter of Waterbury, Pellett of Chester, Ram of Burlington, Shand of Weathersfield, Sharpe of Bristol, Spengler of Colchester, Stevens of Waterbury and Weston of Burlington,

H.R. 2. House resolution designating August 6, 2009 as Nuclear Disarmament Day.

Rd and Adopted, 3.

SENATE BILL

By the Committee on Appropriations,

S. 1. (No. 0003) An act relating to seeking a Medicaid waiver renewal and relating to technical corrections to the following acts of 2009: underground storage tanks and the petroleum cleanup fund (H. 83), the Vermont Recovery and Reinvestment Act of 2009 (H. 313), the BIG BILL - Fiscal Year 2010 Appropriations Act (H. 441), health care reform (H. 444), and capital construction and bonding (H. 445).

Rd 1st t and ref to the C on Appr, 40; Amend of C on Appr agrd to, 40; Rd 2nd Time, 40; Amend as offd by Rep. Ancel of Calais agrd to, 40; Amend as offd by Rep. Kilmartin of Newport City agrd to, 41; Amend as offd by Rep. Kilmartin of Newport City disaagrd to, 41; Rep. Scheuermann of Stowe moved that the H pro to the S to amend the bill, 42; Rep. Brennan of Colchester demanded yeas and nays, 43; R C Results 40 Yea, 79 Nay, 43; Amend as offd by Rep. Koch of Barre Town agrd to, 45; Amend as offd by Rep. Poirier of Barre City disaagrd to, 46; Rep. Poirier of Barre City demanded yeas and nays, 46; R C Results 21 Yea, 97 Nay, 46; Rd 3rd t and Passed, 47.

GENERAL INDEX

- 2009 Special Session -

The following is a list of abbreviations and their meanings:

H. .... **House Bill**
H.R. .... **House Resolution**
J.R.H. .... **Joint Resolution of the House**
S. .... **Senate Bill**
J.R.S. .... **Joint Resolution of the Senate**
Table .... **Appendix B**
Introduced .... **See Table for other sponsors**
Offered .... **See Table for other sponsors**

For information on House and Senate Concurrent Resolutions, please see Table of Bills and Resolutions and the Acts and Resolves of 2009. "See table and page #" under bill categories refers to the Table of Bills.

A.

B.

Z.