

Journal of the Senate

FRIDAY, APRIL 22, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the President of the Senate.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 294.

An act relating to approving amendments to the charter of the city of Montpelier.

To the Committee on Rules.

H. 369.

An act relating to health professionals regulated by the board of medical practice.

To the Committee on Rules.

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 436.

Consideration was resumed on House bill entitled:

An act relating to tax changes, including income taxes, property taxes, economic development credits, health care-related tax provisions, and miscellaneous tax provisions.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Cummings, on behalf of the Committee on Finance moved that the Senate propose to the House to amend the bill as follows:

First: In Sec. 27, 32 V.S.A. § 7771(d), by striking out the following: “125.5” and inserting in lieu thereof the following: 138.5, and in Sec. 27a, 32 V.S.A. § 7814(b), by striking out the following: “\$0.25” and inserting in lieu thereof the following: \$0.53

Second: By striking out the *twelfth* proposal of amendment in its entirety and inserting in lieu thereof a new *twelfth* proposal of amendment to read as follows:

Twelfth: In Sec. 28, 8 V.S.A. § 40891(a)(1), by striking out the following: “0.80” and inserting in lieu thereof the following: 0.90

Which was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Pollina, moved that the Senate propose to the House to amend the bill by adding a new section to be numbered Sec. 3b to read as follows:

Sec. 3b. Sec. 20 of No. 2 of the Acts of 2009 Spec. Sess. is amended to read:

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 subject to tax at the following rate (%):	That taxable income shall instead be taxed 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~~ 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 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

(c) For taxable years 2011, 2012, and 2013, 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:

<u>For taxable income which, without the passage of this act, would be subject to tax at the following rate (%):</u>	<u>That taxable income shall instead be taxed at the following rate (%):</u>
<u>3.60</u>	<u>3.55</u>
<u>7.20</u>	<u>6.80</u>
<u>8.50</u>	<u>7.80</u>
<u>9.00</u>	<u>9.80</u>
<u>9.50</u>	<u>10.45</u>

(d) For taxable year 2014 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:

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

Which was disagreed to on a roll call, Yeas 7, Nays 22.

Senator Pollina having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Baruth, Giard, Kittell, McCormack, Pollina, Starr.

Those Senators who voted in the negative were: Ayer, Benning, Brock, Campbell, Carris, Cummings, Doyle, Flory, Fox, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, Miller, Mullin, Nitka, Sears, Snelling, Westman, White.

The Senator absent and not voting was: Illuzzi.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Brock moved that the proposal of amendment of the Committee on Finance be amended in the *eighth* proposal of amendment in Sec. 15, 32 V.S.A. § 5404a(1), in subdivision (2), after the following: “regular comprehensive municipal audit conducted by an independent firm.” by

inserting the following: Any audit conducted under this subsection shall comply with generally accepted government auditing standards.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Brock moves that the Senate propose to the House to amend the bill as follows

First: By striking out Sec. 8 in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. STATE REVENUE SYSTEM REVIEW COMMISSION

(a) There is hereby established a state revenue system review commission consisting of five members to be appointed as follows:

(1) The governor, the lieutenant governor, the president pro tempore of the senate, and the speaker of the house shall each appoint one member; and

(2) The governor, the president pro tempore of the senate, and the speaker of the house shall together appoint one additional member with experience in and understanding of the current education finance system to be the chair of the commission.

(b) The commission members shall be appointed on or before July 1, 2011.

(c) The commission shall prepare a structural analysis and offer recommendations for improvements and modernization of the state revenue system. In doing so, the commission shall review the report of the Blue Ribbon Tax Structure Commission and the data upon which that report was based. The commission shall integrate the analysis and recommendations of the Blue Ribbon Tax Structure Commission into evaluation of the state's revenue system, including Vermont education finance system. The commission shall offer recommendations based on its analysis, with particular emphasis on recommendations related to Vermont's education finance system. The commission shall engage in public hearings and other activities for public involvement.

(d) The commission shall receive technical support from the department of taxes, the department of education, the joint fiscal office, and consultants.

(e) The joint fiscal office with the assistance of the legislative council, the department of education, and the department of taxes may contract with one or more consultants to provide assistance with achieving the goals for the commission. The consultants shall have experience working in a public policy development process.

(f) Nonlegislative members of the commission shall be entitled to compensation as provided under 32 V.S.A. § 1010. Any legislative members of the commission shall be entitled to the same per diem compensation and reimbursement of necessary expenses for attendance at a meeting when the general assembly is not in session as provided to members of standing committees under 2 V.S.A. § 406.

(g) The commission shall report its analysis and recommendations to the house and senate committees on education and on appropriations, the house committee on ways and means, and the senate committee on finance on or before January 15, 2012.

Second: By striking out Sec. 9 (authorization to spend) in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. AUTHORIZATION TO SPEND

The joint fiscal office is authorized to expend up to a total of \$210,000.00 for the commission established by Sec. 8 of this act and related expenses by using funds from its existing budget, and, if necessary, the joint fiscal committee is authorized to transfer additional funds from other legislative departments to the joint fiscal office to cover the amount of the commission's expenses.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as proposed by Senator Brock?, Senator MacDonald moved to substitute a proposal of amendment for the proposal of amendment offered by Senator Brock in Sec. 8, (EVALUATION OF EDUCATION FINANCING SYSTEM), in subdivision (e)(2), by striking out the following: "March 30, 2012" and inserting in lieu thereof the following: December 15, 2011

Thereupon, pending the question, Shall the proposal of amendment of Senator Brock be substituted as proposed by Senator MacDonald?, Senator MacDonald, requested and was granted leave to withdraw his proposal of amendment.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as proposed by Senator Brock?, Senator Brock requested and was granted leave to withdraw his proposal of amendment.

Thereupon, pending the question, Shall the bill be read a third time?, Senators Westman and MacDonald, moved that the Senate propose to the House to amend the bill by striking out Sec. 36e in its entirety and by inserting in lieu thereof a new Sec. 36e to read as follows:

Sec. 36e. TAXPAYER OUTREACH EDUCATION

The department of taxes shall develop a plan for education outreach to taxpayers in specific industries or classes to ensure that taxpayers in those industries and classes are aware of their obligations under law and to ensure that the department of taxes is able to track and respond to industry- or class-wide concerns. The department of taxes shall report to the senate committee on finance and the house committee on ways and means no later than January 15, 2012 with specific recommendations for implementing the plan required under this section.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senators Westman and MacDonald, moved that the Senate propose to the House to amend the bill by adding a new section to be numbered Sec. 36f to read as follows:

Sec. 36f. ABATEMENT OF PENALTIES AND INTEREST

(a) Any auctioneer licensed under chapter 89 of Title 26 who has been assessed a liability under chapter 233 of this title for failing to collect the required sales tax on the sale of tangible personal property on the premises of the owner of some of that property shall have any liability and related interest and penalties abated. This provision shall apply only to liabilities, interest, and penalties assessed for tax years 2008, 2009, and 2010.

(b) Any caterer engaged in the business of providing food or beverages for sale in this state who has been assessed a liability under chapter 225 of this title for failing to collect the required tax on the service charge associated with the catering sale shall have any liability and related interest and penalties abated. This provision shall apply only to liabilities, interest, and penalties assessed for tax years 2008, 2009, and 2010.

(c) It is the intent of the general assembly that for tax years 2011 and after the tax department shall implement its current regulations and interpretations related to the imposition of sales tax on auction sales under subdivision (a) or related to the imposition of meals tax on caterer service charges under subdivision (b), as those regulations and interpretations may be amended from time to time.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Starr, moved that the Senate propose to the House to amend the bill as follows:

First: By adding a new section to be numbered Sec. 13e to read as follows:

Sec. 13e. HEALTH CARE REFORM PROPERTY TAX EXEMPTION

In fiscal year 2012, the following two properties shall be exempt from education property tax under chapter 135 of Title 32: Buildings and land owned and occupied by a health, recreation, and fitness organization which is exempt under Section 501(c)(3) of the Internal Revenue Code, the income of which is entirely used for its exempt purpose, one of which is designated by the Springfield Hospital and the other designated by the North Country Hospital, to promote exercise and healthy lifestyles for the community and to serve citizens of all income levels in this mission. This exemption shall apply, notwithstanding the provisions of 32 V.S.A. § 3832(7).

Second: By adding a new section to be numbered Sec. 13f to read as follows:

Sec. 13f. Sec. 40 of No. 190 of the Acts of 2007 Adj. Sess. (2008), as amended by Sec. 22 of No. 160 of the Acts of 2009 Adj. Sess. (2010), is further amended to read:

Sec. 40. EDUCATION PROPERTY TAX EXEMPTION FOR SKATINGRINKS USED FOR PUBLIC SCHOOLS

Real and personal property operated as a skating rink, owned and operated on a nonprofit basis but not necessarily by the same entity, and which, in the most recent calendar year, provided facilities to local public schools for a sport officially recognized by the Vermont Principals' Association shall be exempt from education property taxes for fiscal years 2009, 2010, ~~and~~ 2011, and 2012 only.

Which was agreed to on a roll call, Yeas 15, Nays 14.

There being a tie, the Secretary took the casting vote of the President, who voted "Yea".

Senator McCormack having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Benning, Brock, Cummings, Doyle, Fox, Giard, Illuzzi, Kitchel, Kittell, McCormack, Nitka, Pollina, Starr.

Those Senators who voted in the negative were: Ayer, Baruth, Campbell, Carris, Flory, Galbraith, Hartwell, Lyons, MacDonald, Mazza, Miller, Sears, Snelling, White.

Those Senators absent and not voting were: Mullin, Westman.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Kittell, moved that the Senate propose to the House to amend the bill as follows:

First: By adding a new section to be numbered Sec. 13e to read as follows:

Sec. 13e. 32 V.S.A. § 3756(i) is amended to read:

(i) ~~The~~ When the department of forests, parks and recreation has not received a management activity report as required by section 3755 of this chapter or has received an adverse inspection report, the director shall notify the owner and remove from use value appraisal ~~an entire parcel of managed forest land and notify the owner in accordance with the procedure in subsection (b) of this section when the department of forests, parks and recreation has not received a management activity report or has received an adverse inspection report~~ all contiguous enrolled forest land of the owner in the municipality in which the activity resulting in the adverse inspection report occurred, unless the lack of conformance consists solely of the failure to make prescribed planned cutting. In that case, the director may delay removal from use value appraisal for a period of one year at a time to allow time to bring the parcel into conformance with the plan.

Second: By adding a new section to be numbered Sec. 13f to read as follows:

Sec. 13f. 32 V.S.A. § 3755(d) is amended to read:

(d) After ~~a parcel of managed forest land~~ forestland has been removed from use value appraisal due to an adverse inspection report pursuant to subsection 3756(i) of this title, a new application for use value appraisal will not be considered for a period of five years, and then shall be approved by the department of forests, parks and recreation only if a compliance report has been filed with the new application certifying that appropriate measures have been taken to bring the parcel into compliance with minimum acceptable standards for forest or conservation management.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as proposed by Senator Kittell?, Senator Kittell requested and was granted leave to withdraw her proposal of amendment.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Brock, moved that the Senate propose to the House that the bill be amended as follows:

First: By adding a new section to be numbered Sec. 36f to read as follows:

Sec. 36f. 33 V.S.A. § 1955c is added to read:

§ 1955c. MEDICAL MARIJUANA DISPENSARY ASSESSMENT

There is imposed on any medical marijuana dispensary, as that term is defined under 18 V.S.A. § 4472(5), an assessment of six percent of the gross revenues resulting from the sale, transfer, dispensation, or supplying of marijuana, marijuana-infused products, and marijuana-related supplies and educational materials. Any revenue raised by this assessment shall be deposited in the health care resources fund established in section 1901d of this title. For the purpose of implementing this assessment, a medical marijuana dispensary, as defined in 18 V.S.A. § 4472(5), shall be treated as a health care provider, as defined in 18 V.S.A. § 1951(5).

Second: In Sec. 37, subdivision (4), after the words “(definition of household income)” by inserting the following: and Sec. 37f (medical marijuana dispensary assessment)

Which was disagreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Brock, moved that the Senate propose to the House that the bill be amended as follows:

First: By striking out Sec. 8 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 8 to read as follows:

Sec. 8. STATE REVENUE SYSTEM REVIEW COMMISSION

(a) There is hereby established a state revenue system review commission consisting of five members to be appointed as follows:

(1) The speaker of the house and the committee on committees shall each appoint two members; and

(2) The governor shall appoint one additional member with experience in and understanding of the current education finance system to be the chair of the commission.

(b) The commission members shall be appointed on or before July 1, 2011.

(c) The commission shall prepare a structural analysis and offer recommendations for improvements and modernization of the state revenue system. In doing so, the commission shall review the report of the Blue Ribbon Tax Structure Commission and the data upon which that report was based. The commission shall integrate the analysis and recommendations of the Blue Ribbon Tax Structure Commission into evaluation of the state’s

revenue system, including Vermont education finance system. The commission shall offer recommendations based on its analysis, with particular emphasis on recommendations related to Vermont's education finance system. The commission shall engage in public hearings and other activities for public involvement.

(d) The commission shall receive technical support from the department of taxes, the department of education, the joint fiscal office, and consultants.

(e) The joint fiscal office with the assistance of the legislative council, the department of education, and the department of taxes may contract with one or more consultants to provide assistance with achieving the goals for the commission. The consultants shall have experience working in a public policy development process.

(f) Nonlegislative members of the commission shall be entitled to compensation as provided under 32 V.S.A. § 1010. Any legislative members of the commission shall be entitled to the same per diem compensation and reimbursement of necessary expenses for attendance at a meeting when the general assembly is not in session as provided to members of standing committees under 2 V.S.A. § 406.

(g) The commission shall report its analysis and recommendations to the house and senate committees on education and on appropriations, the house committee on ways and means, and the senate committee on finance on or before January 15, 2012.

Second: By striking out Sec. 9 (authorization to spend) in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. AUTHORIZATION TO SPEND

The joint fiscal office is authorized to expend up to a total of \$210,000.00 for the commission established by Sec. 8 of this act and related expenses by using funds from its existing budget, and, if necessary, the joint fiscal committee is authorized to transfer additional funds from other legislative departments to the joint fiscal office to cover the amount of the commission's expenses.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as proposed by Senator Brock?, Senator Brock requested and was granted leave to substitute his proposal of amendment as follows:

First: By striking out Sec. 8 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 8 to read as follows:

Sec. 8. STATE REVENUE SYSTEM REVIEW COMMISSION

(a) There is hereby established a state revenue system review commission consisting of five members to be appointed as follows:

(1) The speaker of the house and the committee on committees shall each appoint two members; and

(2) The governor shall appoint one additional member with experience in and understanding of the current education finance system to be the chair of the commission.

(3) No member of the General Assembly shall be appointed to the commission.

(b) The commission members shall be appointed on or before July 1, 2011.

(c) The commission shall prepare a structural analysis and offer recommendations for improvements and modernization of the state revenue system. In doing so, the commission shall review the report of the Blue Ribbon Tax Structure Commission and the data upon which that report was based. The commission shall integrate the analysis and recommendations of the Blue Ribbon Tax Structure Commission into evaluation of the state's revenue system, including Vermont education finance system. The commission shall offer recommendations based on its analysis, with particular emphasis on recommendations related to Vermont's education finance system. The commission shall engage in public hearings and other activities for public involvement.

(d) The commission shall receive technical support from the department of taxes, the department of education, the joint fiscal office, and consultants.

(e) The joint fiscal office with the assistance of the legislative council, the department of education, and the department of taxes may contract with one or more consultants to provide assistance with achieving the goals for the commission. The consultants shall have experience working in a public policy development process.

(f) Members of the commission shall be entitled to compensation as provided under 32 V.S.A. § 1010.

(g) The commission shall report its analysis and recommendations to the house and senate committees on education and on appropriations, the house committee on ways and means, and the senate committee on finance on or before January 15, 2012.

Second: By striking Sec. 9 (authorization to spend) in its entirety and inserting in lieu thereof the following:

Sec. 9. AUTHORIZATION TO SPEND

The joint fiscal office is authorized to expend up to a total of \$210,000.00 for the commission established by Sec. 8 of this act and related expenses by using funds from its existing budget, and, if necessary, the joint fiscal committee is authorized to transfer additional funds from other legislative departments to the joint fiscal office to cover the amount of the commission's expenses.

Which was agreed to.

Thereupon, the question, Shall the bill be read the third time?, which was agreed to on a roll call, Yeas 20, Nays 8.

Senator Campbell having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Baruth, Campbell, Carris, Cummings, Fox, Galbraith, Hartwell, Kitchel, Kittell, Lyons, MacDonald, Mazza, Miller, Nitka, Sears, Snelling, Starr, White.

Those Senators who voted in the negative were: Benning, Brock, Doyle, Flory, Giard, Illuzzi, McCormack, Pollina.

Those Senators absent and not voting were: Mullin, Westman.

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence with proposal of amendment forthwith.

Thereupon, the bill was passed in concurrence, with proposals of amendment.

Rules Suspended; House Proposal of Amendment Concurred In

J.R.S. 26.

Appearing on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House proposal of amendment to joint resolution entitled:

Joint resolution strongly reaffirming the general assembly's enthusiastic support for the Vermont Association of Snow Travelers' conversion of the Lamoille Valley Railroad rail bed into a four-season recreational trail and alternative transportation path.

Was taken up for immediate consideration.

The House proposes to the Senate to amend the resolution by striking out all after the title and inserting in lieu thereof the following:

Whereas, the St. Johnsbury and Lake Champlain Railroad was completed in 1877 as a 93-mile rail line extending from St. Johnsbury in the east to Swanton in the west, and

Whereas, the rail line continued as a privately owned commercial transportation corridor until the state of Vermont purchased it in 1973, renaming it the Lamoille Valley Railroad (LVR), and

Whereas, in 1995 and 1997, severe flooding caused major damage to the tracks and ties of the railroad, and

Whereas, at the agency of transportation's (AOT's) request, the regional planning commissions, local chambers of commerce, and economic development officials, operating as the Mountain Valley Corridor Consortium, assumed responsibility for conducting the LVR corridor proposal process, and the proposal of the Vermont Association of Snow Travelers (VAST) to create a four-season recreational corridor and alternative transportation path was selected, and

Whereas, in accordance with Sec. 16 of No. 141 of the Acts of the 2001 Adj. Sess. (2002), the AOT was directed to obtain federal approval for discontinuance of rail service, as required under the Surface Transportation Act, and to gain approval to designate the LVR rail bed for interim trail use, and subject to receiving the federal approval, to enter into leases with VAST to construct the four-season recreational corridor and alternative transportation path and with St. Johnsbury and Swanton for municipally managed recreation trails on small segments of the LVR located in those towns, and

Whereas, in Sec. 78 of No. 93 of the Acts of the 2005 Adj. Sess. (2006), the general assembly authorized the establishment of the Lamoille Valley Rail Trail (LVRT) project and the acceptance of federal funding that was authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub.L. No. 109-59) which provided \$5.3 million of federal funds, and

Whereas, also in 2006, AOT entered into a long-term lease agreement with VAST to build and maintain the LVRT, and

Whereas, the LVRT extends through Act 250 districts 5, 6, and 7, and on September 30, 2009 the majority of the coordinators for those districts determined that an Act 250 permit is required, and

Whereas, the proposed LVRT project provides an unprecedented opportunity to enhance the protection of natural and cultural resources within the project corridor through the repair of existing areas of trail washout and soil erosion, improved stream crossings, the cleanup of existing hazards, eliminating existing encroachments, and the refurbishment of existing drainage infrastructure, combined with implementation of ongoing maintenance activities, and

Whereas, the economic, environmental, and recreational tourism benefits of the LVRT would be of enormous benefit to Vermonters and especially the towns along its path, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly reaffirms its enthusiastic support for the Vermont Association of Snow Travelers' conversion of the Lamoille Valley Railroad rail bed into a four-season recreational trail and alternative transportation path, *and be it further*

Resolved: That the executive branch of Vermont state government is urged to demonstrate similarly enthusiastic support, including:

1) That the agencies of transportation and of natural resources aid VAST in the efficient and timely acquisition of the necessary permits.

2) That the agencies of commerce and community development, of natural resources, and of transportation assist VAST in the securing of the remaining funding necessary to proceed with the full conversion of the rail bed.

3) That the agency of transportation adhere to all commitments it made in the 2006 lease agreement with VAST, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to VAST Executive Director Bryant Watson, to Secretary of Transportation Brian Searles, to Secretary of Natural Resources Deborah Markowitz, and to Secretary of Commerce and Community Development Lawrence Miller.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

**Proposal of Amendment Amended; Bill Passed in Concurrence with
Proposal of Amendment**

H. 441.

House bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senator Sears moved that the Senate propose to the House to amend the Senate proposal of amendment by inserting a new section to be numbered Sec. H.7 to read as follows:

Sec. H.7 3 V.S.A. § 457(e) is added to read:

(e) For purposes of benefits available under this chapter, former county court employees hired by the counties to court positions on or before June 30, 2008 who became state employees on February 1, 2011 pursuant to No. 154 of the Acts of the 2009 Adj. Sess. (2010) shall be deemed to have been first included in membership of the system on or before June 30, 2008.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment forthwith of amendment on a roll call, Yeas 27, Nays 1.

Senator Illuzzi having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Baruth, Benning, Brock, Campbell, Carris, Cummings, Doyle, Flory, Fox, Galbraith, Giard, Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Miller, Nitka, Sears, Snelling, Starr, White.

The Senator who voted in the negative was: Pollina.

Those Senators absent and not voting were: Mullin, Westman.

Rules Suspended; Bills Messaged

On motion of Senator Campbell, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

H.436; H.441.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence:

By Senators Carris, Flory and Mullin,

By Representative Andrews and others,

H.C.R. 142.

House concurrent resolution congratulating Michael Smith on his winning the 2011 CVPS-Zetterstrom Environmental Award.

By Representatives Bissonnette and Atkins,

H.C.R. 143.

House concurrent resolution congratulating the St. Francis Xavier of Winooski boys' basketball team on winning the 2011 New England Catholic Youth Organization seventh- and eighth-grade parish division championship.

By Senators Ayer and Giard,

By Representative Nuovo and others,

H.C.R. 144.

House concurrent resolution congratulating Middlebury Union High School on being named a 2011 Fit & Healthy Kids School Wellness Award gold-level winner .

By Senators Nitka, Campbell and McCormack,

By Representative Devereux,

H.C.R. 145.

House concurrent resolution honoring the town of Ludlow on its 250th anniversary.

By Senators Campbell, McCormack and Nitka,

By Representative Devereux,

H.C.R. 146.

House concurrent resolution honoring the town of Plymouth on its 250th anniversary.

By Representative Devereux and others,

H.C.R. 147.

House concurrent resolution commemorating the incorporation of Vermont towns observing their 250th anniversary in 2011.

By Representatives Pearson and Ram,

H.C.R. 148.

House concurrent resolution in memory of Karen Ann Quill of Burlington.

By Senators Carris, Flory and Mullin,

By Representative Andrews and others,

H.C.R. 149.

House concurrent resolution congratulating the Rutland Area Visiting Nurse Association & Hospice on being named one of the top 500 home health agencies in the United States.

By Representative Olsen,

H.C.R. 150.

House concurrent resolution congratulating former Jamaica town clerk and treasurer Warren Patrick on his centennial birthday.

By Representative Lenex and others,

H.C.R. 151.

House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks Division I championship boys' hockey team.

By Senators Ashe, Baruth, Fox, Lyons, Miller and Snelling,

By Representative Yantachka,

H.C.R. 152.

House concurrent resolution honoring Frank Thornton of Charlotte.

By Senators Kittell and Ayer,

By Representative Spengler and others,

H.C.R. 153.

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

By Senator Flory,

By Representative Shaw,

H.C.R. 154.

House concurrent resolution commemorating the 250th anniversary of the town of Pittsford.

By Representatives Stevens and Ellis,

H.C.R. 155.

House concurrent resolution congratulating Revitalizing Waterbury on its 20th anniversary.

By Representatives Head and Ram,

H.C.R. 156.

House concurrent resolution designating April as Fair Housing Month in Vermont.

By Representative Ancel,

H.C.R. 157.

House concurrent resolution congratulating the 2011 Twinfield Union High School Trojans Division IV championship boys' basketball team.

By Representatives Trieber and Partridge,

H.C.R. 158.

House concurrent resolution congratulating L. Raymond Massucco on being named the Great Falls Regional Chamber of Commerce 2011 Person of the Year.

By Senators Hartwell and Sears,

By Representative Campion and others,

H.C.R. 159.

House concurrent resolution honoring Joan Goodrich for her exemplary higher education leadership in Vermont.

[The full text of the House concurrent resolutions appeared in the Senate calendar addendum for April 21, 2011, and, if adopted in concurrence by the House, will appear in the volume of the Public Acts and Resolves to be published for this session of the seventieth-first biennial session of the Vermont General Assembly.]

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Monday, April 25, 2011, at two o'clock in the afternoon pursuant to J.R.S. 29.