

Journal of the House

Tuesday, February 21, 2017

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

Devotional Exercises

Devotional exercises were conducted by Reverend Jeff Fuller, Living Hope Wesleyan Church, Waterbury Center, VT.

Pledge of Allegiance

Page Nina Belliveau of Brattleboro, VT, led the House in the Pledge of Allegiance.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 326

By Reps. Keefe of Manchester, Brumsted of Shelburne, Canfield of Fair Haven, Colburn of Burlington, Copeland-Hanzas of Bradford, Fagan of Rutland City, Gamache of Swanton, Hooper of Brookfield, McFaun of Barre Town, Nolan of Morristown, Noyes of Wolcott, Olsen of Londonderry, Pugh of South Burlington, Rosenquist of Georgia, Scheuermann of Stowe, Smith of Derby, Sullivan of Dorset, Troiano of Stannard, Willhoit of St. Johnsbury, Wood of Waterbury and Wright of Burlington,

House bill, entitled

An act relating to eligibility and calculation of grant or subsidy amount for Reach Up, Reach Ahead, and the Child Care Services Program;

To the committee on Human Services.

H. 327

By Reps. Feltus of Lyndon, Lawrence of Lyndon, Lefebvre of Newark and Strong of Albany,

House bill, entitled

An act relating to the charter of the Northeast Kingdom Solid Waste Management District;

To the committee on Government Operations.

H. 328

By Reps. Christensen of Weathersfield and Cina of Burlington,

House bill, entitled

An act relating to the use of the herbicide glyphosate;

To the committee on Agriculture & Forestry.

H. 329

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to high school curriculum;

To the committee on Education.

H. 330

By Reps. Jickling of Brookfield and Hooper of Brookfield,

House bill, entitled

An act relating to an excess spending penalty for fiscal year 2018;

To the committee on Education.

H. 331

By Reps. Lefebvre of Newark, Bancroft of Westford, Higley of Lowell,
Lawrence of Lyndon, McCullough of Williston and Sheldon of Middlebury,

House bill, entitled

An act relating to how to classify maple sugar lands for the purpose of use
value appraisals;

To the committee on Ways and Means.

H. 332

By Reps. McCullough of Williston and Macaig of Williston,

House bill, entitled

An act relating to exempting paper hygienic products from the sales and
use tax and establishing an occupancy surcharge;

To the committee on Ways and Means.

H. 333

By Reps. Colburn of Burlington, Lippert of Hinesburg, Botzow of Pownal, Buckholz of Hartford, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Copeland-Hanzas of Bradford, Dakin of Colchester, Donovan of Burlington, Dunn of Essex, Fields of Bennington, Gonzalez of Winooski, Haas of Rochester, Hooper of Brookfield, Houghton of Essex, Joseph of North Hero, Lalonde of South Burlington, Lucke of Hartford, Masland of Thetford, McCormack of Burlington, Mrowicki of Putney, O'Sullivan of Burlington, Partridge of Windham, Pugh of South Burlington, Rachelson of Burlington, Scheu of Middlebury, Stevens of Waterbury, Sullivan of Dorset, Sullivan of Burlington, Till of Jericho, Townsend of South Burlington, Trieber of Rockingham, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh and Young of Glover,

House bill, entitled

An act relating to identification of gender-free restrooms in public buildings and places of public accommodation;

To the committee on General, Housing and Military Affairs.

H. 334

By Reps. Willhoit of St. Johnsbury, Burke of Brattleboro, O'Sullivan of Burlington, Rachelson of Burlington and Walz of Barre City,

House bill, entitled

An act relating to the Woodside Juvenile Rehabilitation Center;

To the committee on Human Services.

H. 335

By Reps. McCullough of Williston and Squirrell of Underhill,

House bill, entitled

An act relating to reducing the risk of head injury during athletic events;

To the committee on Education.

H. 336

By Reps. McCullough of Williston and Deen of Westminster,

House bill, entitled

An act relating to membership of the Fish and Wildlife Board;

To the committee on Natural Resources, Fish & Wildlife.

H. 337

By Reps. Smith of New Haven, Graham of Williamstown, Higley of Lowell, Lawrence of Lyndon and Parent of St. Albans Town,

House bill, entitled

An act relating to exempting methane digesters from air emissions fees;

To the committee on Agriculture & Forestry.

H. 338

By Reps. Lefebvre of Newark, Ainsworth of Royalton, Batchelor of Derby, Beyor of Highgate, Cupoli of Rutland City, Frenier of Chelsea, Gamache of Swanton, Graham of Williamstown, Hubert of Milton, LaClair of Barre Town and Lawrence of Lyndon,

House bill, entitled

An act relating to siting jurisdiction for temporary meteorological stations;

To the committee on Natural Resources, Fish & Wildlife.

H. 339

By Reps. Dickinson of St. Albans Town, Beyor of Highgate, Colburn of Burlington, Gamache of Swanton, Joseph of North Hero, Keenan of St. Albans City, Lalonde of South Burlington, Murphy of Fairfax, Parent of St. Albans Town, Pearce of Richford, Rachelson of Burlington, Rosenquist of Georgia, Savage of Swanton, Viens of Newport City, Weed of Enosburgh and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to authorizing assistant judges to serve as mediators in certain family proceedings;

To the committee on Judiciary.

H. 340

By Reps. Savage of Swanton, Bissonnette of Winooski, Brennan of Colchester, Dickinson of St. Albans Town, Frenier of Chelsea, Gamache of Swanton, Hebert of Vernon, Helm of Fair Haven, Hubert of Milton, Parent of St. Albans Town, Rosenquist of Georgia, Shaw of Pittsford, Strong of Albany and Turner of Milton,

House bill, entitled

An act relating to aggravated murder for killing a firefighter or an emergency medical provider;

To the committee on Judiciary.

H. 341

By Reps. Emmons of Springfield, Bartholomew of Hartland and Belaski of Windsor,

House bill, entitled

An act relating to possession of heroin with the intent to sell;

To the committee on Judiciary.

H. 342

By Rep. Conquest of Newbury,

House bill, entitled

An act relating to eliminating certain prior authorization requirements;

To the committee on Health Care.

H. 343

By Reps. Emmons of Springfield, Batchelor of Derby, Connor of Fairfield, Macaig of Williston, Scheu of Middlebury and Shaw of Pittsford,

House bill, entitled

An act relating to home confinement, treatment furlough, and preapproved furlough;

To the committee on Corrections and Institutions.

H. 344

By Reps. Savage of Swanton and Gamache of Swanton,

House bill, entitled

An act relating to airport hazard areas and construction or alteration of structures;

To the committee on Transportation.

H. 345

By Hebert of Vernon, Ainsworth of Royalton, Batchelor of Derby, Beck of St. Johnsbury, Beyor of Highgate, Bock of Chester, Botzow of Pownal, Brennan of Colchester, Burke of Brattleboro, Cupoli of Rutland City, Deen of Westminster, Forguites of Springfield, Greshin of Warren, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Jickling of Brookfield, LaClair of Barre Town, Lewis of Berlin, Long of Newfane, McCoy of Poultney, McFaun of Barre Town, Morrissey of Bennington, Mrowicki of Putney, Murphy of

Fairfax, Olsen of Londonderry, Parent of St. Albans Town, Partridge of Windham, Pugh of South Burlington, Savage of Swanton, Sibia of Dover, Smith of New Haven, Strong of Albany, Stuart of Brattleboro, Toleno of Brattleboro, Trieber of Rockingham, Viens of Newport City, Willhoit of St. Johnsbury and Young of Glover,

House bill, entitled

An act relating to services provided by an advanced practice registered nurse in a nursing home;

To the committee on Government Operations.

H. 346

By Rep. Conquest of Newbury,

House bill, entitled

An act relating to increasing the number of University of Vermont medical students pursuing primary care residencies;

To the committee on Health Care.

H. 347

By Reps. Sibia of Dover, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Forguites of Springfield, Lalonde of South Burlington, McCormack of Burlington, Parent of St. Albans Town and Yantachka of Charlotte,

House bill, entitled

An act relating to the State Telecommunications Plan;

To the committee on Energy and Technology.

H. 348

By Reps. Olsen of Londonderry, Haas of Rochester, Noyes of Wolcott, Parent of St. Albans Town, Scheuermann of Stowe, Sibia of Dover, Sullivan of Dorset and Wright of Burlington,

House bill, entitled

An act relating to extending the deadline for qualifying contributions to Vermont's 529 plan and creating an income tax return checkoff to permit contributions to Vermont's 529 plan;

To the committee on Ways and Means.

H. 349

By Rep. Olsen of Londonderry,

House bill, entitled

An act relating to the simplification of the statewide education property tax by reducing the property component of the tax and adding an income-based education tax;

To the committee on Education.

H. 350

By Rep. Greshin of Warren,

House bill, entitled

An act relating to creating a landlord-tenant court decision database;

To the committee on General, Housing and Military Affairs.

H. 351

By Hubert of Milton, Ainsworth of Royalton, Batchelor of Derby, Beyor of Highgate, Condon of Colchester, Cupoli of Rutland City, Devereux of Mount Holly, Graham of Williamstown, Helm of Fair Haven, LaClair of Barre Town, Lawrence of Lyndon, Morrissey of Bennington, Pearce of Richford, Rosenquist of Georgia, Smith of Derby, Terenzini of Rutland Town and Wright of Burlington,

House bill, entitled

An act relating to casino gaming;

To the committee on General, Housing and Military Affairs.

H. 352

By Reps. Weed of Enosburgh, Cina of Burlington, Connor of Fairfield, LaClair of Barre Town and Potter of Clarendon,

House bill, entitled

An act relating to residential rental agreements;

To the committee on General, Housing and Military Affairs.

H. 353

By Rep. Wright of Burlington,

House bill, entitled

An act relating to interstate drug trafficking;

To the committee on Judiciary.

H. 354

By Reps. Weed of Enosburgh, Chesnut-Tangerman of Middletown Springs, Cina of Burlington and Potter of Clarendon,

House bill, entitled

An act relating to veterans' property tax exemptions;

To the committee on Ways and Means.

H. 355

By Reps. Burke of Brattleboro and Bartholomew of Hartland,

House bill, entitled

An act relating to exempting motor-assisted bicycles from the sales and use tax;

To the committee on Ways and Means.

H. 356

By Reps. Lewis of Berlin and Donahue of Northfield,

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Berlin;

To the committee on Government Operations.

H. 357

By Reps. Helm of Fair Haven and McCormack of Burlington,

House bill, entitled

An act relating to exempting indoor commercial and residential advanced wood boilers from the sales and use tax;

To the committee on Ways and Means.

H. 358

By Rep. Wright of Burlington,

House bill, entitled

An act relating to the phased-in exemption from State income taxation of military retirement pay;

To the committee on Ways and Means.

H. 359

By Rep. Olsen of Londonderry,

House bill, entitled

An act relating to allowing a town to regulate solar and wind generation if the town contributes to a fund to support renewable energy;

To the committee on Energy and Technology.

H. 360

By Reps. Gamache of Swanton, Van Wyck of Ferrisburgh, Parent of St. Albans Town, Hebert of Vernon and Savage of Swanton,

House bill, entitled

An act relating to municipal regulation of electric generation facilities;

To the committee on Energy and Technology.

H. 361

By Reps. Burke of Brattleboro, Bancroft of Westford, Bissonnette of Winooski, Brennan of Colchester, Christie of Hartford, Deen of Westminster, Lefebvre of Newark, McCullough of Williston, Nolan of Morristown and Potter of Clarendon,

House bill, entitled

An act relating to threatening a law enforcement or corrections officer;

To the committee on Judiciary.

H. 362

By Reps. Van Wyck of Ferrisburgh, Canfield of Fair Haven, Christie of Hartford, Gamache of Swanton, Hebert of Vernon, Higley of Lowell, Morrissey of Bennington, Savage of Swanton, Smith of New Haven and Strong of Albany,

House bill, entitled

An act relating to utility poles and Act 250;

To the committee on Natural Resources, Fish & Wildlife.

H. 363

By Reps. Lalonde of South Burlington, Conquest of Newbury and Grad of Moretown,

House bill, entitled

An act relating to spousal support guidelines;

To the committee on Judiciary.

Message from the Senate No. 21

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

Madam Speaker:

I am directed to inform the House that:

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

H.C.R. 39. House concurrent resolution in memory of Londonderry Selectboard Chair Steve Prouty.

H.C.R. 40. House concurrent resolution congratulating the Vermont League of Cities and Towns on its 50th anniversary.

H.C.R. 41. House concurrent resolution congratulating Alicia Dana of Putney on winning a silver medal in the women's handcycling time trial at the Rio 2016 Paralympic Games.

H.C.R. 42. House concurrent resolution honoring the creators of "Our Time" song and music video.

H.C.R. 43. House concurrent resolution designating February 16, 2017 as Suicide Prevention Awareness Day in Vermont.

H.C.R. 44. House concurrent resolution congratulating the 2016 Windsor High School Yellow Jackets Division III championship football team.

H.C.R. 45. House concurrent resolution in memory of Barbara A. MacIntyre.

H.C.R. 46. House concurrent resolution congratulating the 2016 Proctor High School Division IV girls' soccer championship team.

Message from the Senate No. 22

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 12. An act relating to increasing the maximum prison sentence for first,

second, and subsequent offenses of aggravated animal cruelty.

S. 14. An act relating to expanding the Vermont Practitioner Recovery Network.

S. 16. An act relating to expanding patient access to the Medical Marijuana Registry.

S. 23. An act relating to juvenile jurisdiction.

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

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

J.R.S. 20. Joint resolution relating to weekend adjournment.

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

Joint Resolution Referred to Committee

J.R.H. 6

Joint resolution requesting the Governor to advocate for a regional carbon tax and to convene the Regional Greenhouse Gas Initiative states to discuss the development and implementation of this tax

Offered by: Representatives Masland of Thetford, Bartholomew of Hartland, Chesnut-Tangerman of Middletown Springs, Colburn of Burlington, Hooper of Brookfield, McCormack of Burlington, Sheldon of Middlebury, Squirrel of Underhill, Sullivan of Burlington, and Yantachka of Charlotte

Whereas, greenhouse gases are “any of the atmospheric gases that contribute to the greenhouse effect by absorbing infrared radiation produced by solar warming of the Earth’s surface,” such as carbon dioxide, and

Whereas, the General Assembly, in 2013 Acts and Resolves No. 89, Sec. 1(8), stated “Vermont must act to reduce its greenhouse gas emissions and consumption of fossil fuels,” and

Whereas, emitting greenhouse gases contributes to global warming that in turn leads to, among other problems, dangerously rising sea levels and an increase in extreme weather events and heavy precipitation that causes risk to public safety and the environment, and

Whereas, fossil fuels are a prime source of greenhouse gases, and users of fossil fuels do not necessarily compensate for the environmental damage these fuels cause, and

Whereas, many economists agree that a tax on fossil fuel energy sources, also termed a carbon tax, would reduce these harmful emissions significantly, and

Whereas, the Canadian province of British Columbia introduced a revenue neutral carbon tax that started at \$10.00 per ton of carbon dioxide in 2008 and by 2012 rose to \$30.00 per ton, and

Whereas, from 2008 to 2012, British Columbia experienced a 17.4 percent reduction in fossil fuel consumption, and the per capita emissions from sources subject to the tax dropped 10 percent, and

Whereas, early in 2016, more than 150 companies wrote British Columbia Premier Christy Clark a letter supporting an increase of the province's carbon tax by the amount of \$10.00 Canadian per metric ton starting in July 2018, and

Whereas, Vermont is part of a nine-state Regional Greenhouse Gas Initiative (RGGI) that places a cap on carbon emissions from utilities, and allows the utilities to trade carbon credits within the cap, and

Whereas, RGGI provides an example of interstate cooperation that addresses climate change, and

Whereas, a regional carbon tax would result in a greater reduction in greenhouse gas emissions than a Vermont-only carbon tax and would address cross-border issues that might otherwise arise, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests the Governor to advocate for a regional carbon tax and convene a meeting of officials from RGGI states to discuss the development and implementation of this tax, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Governor, the Commissioner of Public Service, and the Commissioner of Taxes.

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

House Resolution Placed on Calendar

H.R. 11

House resolution, entitled

House resolution commending the friendly bilateral relations between Taiwan and both the United States and the State of Vermont and supporting Taiwan's full participation in the international community

Offered by: Representatives Webb of Shelburne, Ancel of Calais, Botzow of Pownal, Marcotte of Coventry, Partridge of Windham, and Young of Glover

Whereas, both the United States and the State of Vermont share warm relationships with the Republic of China (Taiwan) and its 23.52 million residents that are based on commonly held political and economic values, and

Whereas, on May 20, 2016, democratic Taiwan inaugurated Tsai Ing-wen as the island's first woman president in a peaceful transition of power, and she has promoted improved relations with the United States and peace in the

AsiaPacific region, and

Whereas, according to the U.S. Census Bureau, as of November 2015, Taiwan ranked as the United States' 10th largest trading partner with yeartodate bilateral trade standing at \$65.4 billion, and as of the close of 2015, Vermont exported products worth \$109.54 million to Taiwan, making Taiwan the State's ninth largest export market, and

Whereas, Taiwan and Vermont established a sister state relationship in 1999, and this strong bilateral relationship includes trade, educational and cultural exchanges, scientific and technological interests, and tourism, and

Whereas, Taiwan has jurisdiction over the geographically large Taipei Flight Information Region and deserves membership in the International Civil Aviation Organization, and

Whereas, the United Nations Framework Convention on Climate Change, adopted in Paris in 2015, is a major global environmental protection effort, and Taiwan desires to participate fully in this undertaking, and

Whereas, Taiwan's inclusion in the International Criminal Police Organization and the World Health Organization would bring its innovative economic and proudly democratic voice to these important organizations, now therefore be it

Resolved by the House of Representatives:

That this legislative body commends the friendly bilateral relations between Taiwan and both the United States and the State of Vermont and supports Taiwan's full participation in the international community, and be it further

Resolved: That the Clerk of the House be directed to send copies of this resolution to Governor Philip B. Scott, the Vermont Congressional Delegation, Taiwanese President Tsai Ing-wen, and Scott Lai, Director General of the Taipei Economic and Cultural Office in Boston.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

House Resolution Placed on Calendar

H.R. 12

House resolution, entitled

House resolution supporting refugee resettlement in the United States including Vermont

Offered by: Representatives Colburn of Burlington and Sullivan of Burlington

Whereas, the United Nations High Commissioner for Refugees (UNHCR), also referred to as the UN Refugee Agency, reports that as of the end of 2015, there were 65 million forcibly displaced persons worldwide, the highest number on record, and

Whereas, an estimated one-half of the world's refugees are children, and one in every 113 persons is a refugee, and

Whereas, refugees are fleeing armed conflicts and human rights abuses in Africa, Central America, the Middle East, and Southeast Asia, and

Whereas, among these 65 million are persons who can neither return to their home countries nor remain in their current host nations due to extreme vulnerabilities, and

Whereas, only ten nations host one-half of the world's refugees, including countries that do not have adequate resources to feed, house, or keep these refugees safe, and

Whereas, UNHCR has determined that 1.19 million refugees are in need of immediate resettlement, but being realistic, it has submitted fewer than 200,000 resettlement requests, and

Whereas, refugees in need of resettlement represent only a tiny fraction of the world's population, and

Whereas, every single refugee admitted into the United States must undergo a strict and lengthy security check, involving multiple law enforcement and intelligence agencies, and

Whereas, the U.S. Committee for Refugees and Immigrants–Vermont Refugee Resettlement Program (USCRI-VRRP) and numerous other Vermont community and religious organizations have declared their support for resettling refugees in Vermont, and since 1980, USCRI-VRRP has resettled more than 7,000 refugees from more than 30 countries in the State, now therefore be it

Resolved by the House of Representatives:

That this legislative body applauds the historic bipartisan tradition of the United States welcoming refugees in keeping with our national values and respect for human rights, and be it further

Resolved: That this legislative body declares its support for the resettlement of refugees in the United States, including Vermont, regardless of religion, race, nationality, or country of origin, and calls upon other states to support a stronger national effort to resettle the most vulnerable refugees, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Vermont Refugee Resettlement Program, to President Donald J. Trump, to Governor Philip B. Scott, and to the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

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

H. 188

Rep. Partridge of Windham moved that the committee on Agriculture & Forestry be relieved of House bill, entitled

An act relating to increasing the penalties for animal cruelty

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

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

H. 212

Rep. Partridge of Windham moved that the committee on Agriculture & Forestry be relieved of House bill, entitled

An act relating to increasing the penalties for killing a law enforcement dog

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

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

H. 47

Rep. Carr of Brandon moved that the committee on Energy and Technology be relieved of House bill, entitled

An act relating to requiring telemarketers to provide accurate caller identification information

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

**Favorable Report; Read Second Time;
Third Reading Ordered**

H. 3

Rep. Gonzalez of Winooski, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to burial depth in cemeteries

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

Adjournment

At ten o'clock and twenty-three minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.