

# House Calendar

Friday, April 08, 2016

95th DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 AM

## TABLE OF CONTENTS

	<b>Page No.</b>
<b>ACTION CALENDAR</b>	
<b>Third Reading</b>	
<b>H. 868</b> Miscellaneous economic development provisions .....	1455
Rep. Davis, et al Amendment .....	1455
Rep. Masland Amendment .....	1455
<b>S. 171</b> An act relating to eligibility for pretrial risk assessment and needs screening .....	1456
<b>Favorable with Amendment</b>	
<b>H. 870</b> Telecommunications .....	1456
Rep. Carr for Commerce and Economic Development Rep. Wood for Corrections and Institutions .....	1456
Rep. Keenan for Appropriations .....	1456
Rep. Young for Ways and Means .....	1456
Rep. Hooper, et al Amendment .....	1458
Rep. Masland Amendment .....	1458
Rep. Ancel Amendment .....	1459
<b>Senate Proposal of Amendment</b>	
<b>H. 531</b> Aboveground storage tanks .....	1460
<b>Action Under Rule 52</b>	
<b>J.R.H. 25</b> Requesting the governors of the 19 states that have suspended state implementation planning to continue the compliance process under the Environmental Protection Agency’s Carbon Pollution Emission Guidelines .....	1461

## NOTICE CALENDAR

### Favorable with Amendment

**J.R.H. 26** Relating to the amendment of the federal Toxic Substances Control Act and its preemption provisions ..... 1461  
Rep. Deen for Fish, Wildlife and Water Resources

### Favorable

**S. 190** An act relating to maintaining prescription drugs outside the original prescription container ..... 1464  
Rep. Troiano for Human Services

### Consent Calendar

**H.C.R. 316** Honoring Zachariah Fike and his Purple Hearts Reunited organization ..... 1464

**H.C.R. 317** Honoring the Vermont Network Against Domestic and Sexual Violence on its 30th anniversary ..... 1464

**H.C.R. 318** Congratulating the Vermont Agency of Transportation on receiving a \$10 million federal Transportation Infrastructure Generating Economic Recovery grant to help complete the western rail corridor from Rutland to Burlington ..... 1464

**H.C.R. 319** Congratulating the 2016 College of St. Joseph Lady Saints United States Collegiate Athletic Association Division II championship women's basketball team ..... 1464

**H.C.R. 320** Designating April 5, 2016 as National Service Day in Vermont ..... 1465

**H.C.R. 321** Commemorating the bicentennial anniversary of the former Concord Corner Congregational Church building ..... 1465

**H.C.R. 322** Commemorating former President Calvin Coolidge's historic 1928 presidential trip to Cuba ..... 1465

**H.C.R. 323** Congratulating the 2016 U-32 High School Raiders Division II championship boys' ice hockey team ..... 1465

**H.C.R. 324** Congratulating the 2016 Bellows Free Academy–St. Albans Bobwhites Division I championship boys' hockey team ..... 1465

**H.C.R. 325** Recognizing all Vermont firefighters, police officers, and emergency medical service (EMS) personnel for the professional level of service they provide to their communities ..... 1465

<b>H.C.R. 326</b> Congratulating the American Tree Farm System on its 75th anniversary .....	1465
<b>H.C.R. 327</b> Honoring the entrepreneurship of Maple Sugar & Vermont Spice in Mendon.....	1465
<b>H.C.R. 328</b> Congratulating the 2016 U-32 High School Division II girls' championship Nordic ski team .....	1465
<b>H.C.R. 329</b> Congratulating Vermont Law School on the inauguration of its solar energy project .....	1465

---

---

**ORDERS OF THE DAY**

---

---

**Third Reading**

**H. 868**

An act relating to miscellaneous economic development provisions

**Amendment to be offered by Reps. Davis of Washington and Browning of Arlington to H. 868**

In Sec. H.1, in 32 V.S.A. § 39, by adding a subsection (c) to read:

(c) Recapture upon sale of business. If a business that has received one or more installment payments pursuant to this subchapter is sold within three years of the date of the most recent payment, the Department shall recapture the value of all installment payments the Department made to the business, plus a reasonable rate of interest.

**Amendment to be offered by Rep. Masland of Thetford to H. 868**

First: By inserting a new Sec. Q.1 to read as follows:

**Sec. Q.1. CROSS BORDER STUDY; REPORT**

(a) The Legislative Economist shall perform a study on the relative long-term economic impacts of Vermont and New Hampshire tax policies affecting retail business competitiveness, including:

(1) impacts on the pattern of retailing, the location of retail activity, and retail market share;

(2) impacts of retail sales tax rates and other related excise taxes, including on tobacco products, and to the extent data are available, on alcohol and gasoline; and

(3) the impact by business size, to the extent data is available,

(b) On or before January 15, 2017, the Legislative Economist shall submit to the House Committee on Ways and Means and the Senate Committee on Finance his or her report.

(c)(1) For the purposes of this section, the Legislative Economist shall have the assistance of the Departments of Taxes and of Liquor Control, the Office of Legislative Council, and the Joint Fiscal Office.

(2) The Joint Fiscal Office shall bear the costs of the study and report required by this section from the amounts appropriated to it in fiscal year 2017.

Second: By redesignating the existing Sec. Q.1 (effective dates) to be Sec. S.1

Third: In the new Sec. S.1, by inserting a subdivision (a)(5) to read as follows:

(5) Sec. Q.1 (cross border study).

Fourth: In the new Sec. S.1, in subsection (b), by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read:

(4) Secs. H.11–H.12 (Technical Working Group review; VEPC review).

### **S. 171**

An act relating to eligibility for pretrial risk assessment and needs screening

#### **Favorable with Amendment**

### **H. 870**

An act relating to telecommunications.

**(Rep. Carr of Brandon** will speak for the Committee on **Commerce & Economic Development.**)

**Rep. Wood of Waterbury,** for the Committee on **Corrections & Institutions,** recommends the bill ought to pass when amended as follows:

That the bill be amended by striking out Sec. 4 in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. FY 2017 CAPITAL APPROPRIATION; CONNECTIVITY  
INITIATIVE

The sum of \$750,000.00 is appropriated to the Connectivity Initiative, established in 30 V.S.A. § 7515b, from the FY17 Capital Budget Adjustment Act.

**(Committee Vote 10-0-1)**

**Rep. Keenan of St. Albans City,** for the Committee on **Appropriations,** recommends the bill ought to pass when amended as recommended by the Committee on **Corrections & Institutions.**

**(Committee Vote: 11-0-0)**

**Rep. Young of Glover,** for the Committee on **Ways & Means,** recommends the bill ought to pass when amended as recommended by the Committee on **Corrections & Institutions** and when further amended as follows:

First: By striking out Sec. 4 (capital appropriation for Connectivity Initiative) in its entirety

Second: In Sec. 5, 30 V.S.A. § 7523, in subsection (b), by striking out “2020” and inserting in lieu thereof “2021”

Third: By striking out Sec. 10 in its entirety and inserting in lieu thereof a new Sec. 10 to read as follows:

Sec. 10. PROPOSAL; SCHOOL CONNECTIVITY GRANT PROGRAM

On or before December 1, 2016, the Secretary of Education and the Director of Telecommunications and Connectivity shall propose to the General Assembly in the form of a draft bill a school connectivity grant program designed to provide competitive grants to public schools for capital costs associated with upgrading the Internet connection to a public school or purchasing hardware for infrastructure for internal Internet connections. The goal of the program is to ensure that the maximum Internet service available to the school is accessible by all personnel and students on school grounds, consistent with and supportive of educational policies and objectives. Proposed criteria shall prioritize rural communities having a percentage of households categorized as low-income that is higher than the State average, and shall seek to maximize the availability of federal matching funds.

Fourth: By adding a new Sec. 11 and a readers’ assistance to read as follows:

\* \* \* Miscellaneous Provisions; Telecommunications

Grant Programs \* \* \*

Sec. 11. RECOVERY AND REPURPOSING OF TELECOMMUNICATIONS GRANT FUNDS

To the extent State funds are recovered by the Department of Public Service, as the successor in interest to the Vermont Telecommunications Authority (VTA), as the result of a grant recipient’s failure to comply with the terms of a grant agreement entered into with the VTA, such public monies shall be deposited in the Connectivity Fund.

Fifth: By adding a new Sec. 12 to read as follows:

Sec. 12. HIGH-COST PROGRAM; PUBLIC SERVICE BOARD; DEADLINE

The Public Service Board shall issue a procedures order for implementation of the High-Cost Program established under 30 V.S.A. § 7515 not later than September 1, 2016. If the Board fails to do so, the Board shall provide a report

to the General Assembly and the Governor detailing reasons for failing to comply with this mandate.

and by renumbering all sections to be numerically correct

( **Committee Vote: 7-4-0**)

**Amendment to be offered by Reps. Hooper of Montpelier, and Keenan of St. Albans City to H. 870**

That the bill be amended in Sec. 3, 30 V.S.A. § 7515b, subsection (e), regarding the Connectivity Initiative, by adding subdivision (10) to read as follows:

(10) a telecommunications service provider's performance with respect to the terms of a publicly-financed grant or loan awarded by a federal or State entity for the expansion of broadband or mobile telecommunications service in Vermont.

**Amendment to be offered by Rep. Masland of Thetford to H. 870**

That the bill be amended by adding Sec. 10a and a reader assistance to read as follows:

\* \* \* Communications Union Districts; Budget; Hearing;  
Date Changes \* \* \*

Sec. 10a. 30 V.S.A. § 3075 is amended to read:

§ 3075. BUDGET

(a) Annually, ~~not later than September 15~~ on or before October 21, the board shall approve and cause to be distributed to the legislative body of each district member for review and comment an annual report of its activities, together with a financial statement, a proposed district budget for the next fiscal year, and a forecast presenting anticipated year-end results. The proposed budget shall include reasonably detailed estimates of:

- (1) deficits and surpluses from prior fiscal years;
- (2) anticipated expenditures for the administration of the district;
- (3) anticipated expenditures for the operation and maintenance of any district communications plant;
- (4) payments due on obligations, long-term contracts, leases, and financing agreements;
- (5) payments due to any sinking funds for the retirement of district obligations;

- (6) payments due to any capital or financing reserve funds;
- (7) anticipated revenues from all sources; and
- (8) such other estimates as the board deems necessary to accomplish its purpose.

(b) Coincident with a regular meeting thereof, the board shall hold a public hearing ~~not later than November 1~~ on or before November 15 of each year to receive comments from the legislative bodies of district members and hear all other interested persons regarding the proposed budget. Notice of such hearing shall be given to the legislative bodies of district members at least ~~30 days~~ 15 days prior to such hearing. The board shall give consideration to all comments received and make such changes to the proposed budget as it deems advisable.

(c) Annually, ~~not later than December 1~~ on or before December 15, the board shall adopt the budget and appropriate the sums it deems necessary to meet its obligations and operate and carry out the district's functions for the next ensuing fiscal year.

(d) Actions or resolutions of the board for the annual appropriations of any year shall not cease to be operative at the end of the fiscal year for which they were adopted. Appropriations made by the board for the various estimates of the budget shall be expended only for such estimates, but by majority vote of the board the budget may be amended from time to time to transfer funds between or among such estimates. Any balance left or unencumbered in any such budget estimate, or the amount of any deficit at the end of the fiscal year, shall be included in and paid out of the operating budget and appropriations in the next fiscal year. All such budget amendments shall be reported by the district treasurer to the legislative bodies of each district member within 14 days of the end of the fiscal year.

(e) Financial statements and audit results shall be delivered to the legislative bodies of each district member within 10 days of delivery to the board.

**Amendment to be offered by Rep. Ancel of Calais to H. 870**

First: In Sec. 1, 30 V.S.A. § 248a, in subdivision (c)(3)(A), concerning collocation assessments, by striking out the term "a three-mile radius of the site of" and by inserting in lieu thereof "the area to be served by"

Second: In Sec. 1, 30 V.S.A. § 248a, after the ellipses following subsection (c) and prior to subsection (h), by adding the following:

(e) Notice. No less than 45 60 days prior to filing an application for a certificate of public good under this section, the applicant shall serve written notice of an application to be filed with the Board pursuant to this section to



the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities; the Secretary of Natural Resources; the Secretary of Transportation; the Division for Historic Preservation; the Commissioner of Public Service and its Director for Public Advocacy; the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151; and the landowners of record of property adjoining the project sites. In addition, at least one copy of each application shall be filed with each of these municipal and regional planning commissions.

(1) Upon motion or otherwise, the Public Service Board shall direct that further public or personal notice be provided if the Board finds that such further notice will not unduly delay consideration of the merits and that additional notice is necessary for fair consideration of the application.

(2) On the request of the municipal legislative body or the planning commission, the applicant shall attend a public meeting with the municipal legislative body or planning commission, or both, within the ~~45-day~~ 60-day notice period before filing an application for a certificate of public good. The Department of Public Service shall attend the public meeting on the request of the municipality. The Department shall consider the comments made and information obtained at the meeting in making recommendations to the Board on the application and in determining whether to retain additional personnel under subsection (o) of this section.

(3) With the notice required under this subsection, the applicant shall include a written assessment of the collocation requirements of subdivision (c)(3) of this section, as they pertain to the applicant's proposed telecommunications facility. On the request of the municipal legislative body or the planning commission, the Department of Public Service, pursuant to its authority under subsection (o) of this section, shall retain an expert to review the applicant's collocation assessment and to conduct further independent analysis, as necessary. Within 45 days of receiving the applicant's notice and collocation assessment, the Department shall report its own preliminary findings and recommendations regarding collocation to the applicant and to all persons required to receive notice of an application for a certificate of public good under this subsection (e).

\* \* \*

## **Senate Proposal of Amendment**

### **H. 531**

An act relating to aboveground storage tanks

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. § 1929a (c)(4), after the semicolon by striking out the word “and” and in subdivision (5), by striking out the period at the end of the subdivision and inserting in lieu thereof the following: ; and and by adding a new subdivision (6) to read as follows:

(6) requirements for the reuse of an aboveground storage tank removed under the requirement of subsection (g) of this section.

Second: In Sec. 1, 10 V.S.A. § 1929a, by striking out subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) to read as follows:

(g) If the owner of any aboveground storage tank that serves a structure converts the type of fuel used for the structure from fuel oil or kerosene to natural gas so that the structure is no longer served for any purpose by the aboveground storage tank, the owner shall have the aboveground storage tank used to store fuel oil or kerosene and any fill pipes removed at the same time as the conversion. As used in this subsection, “structure” means any assembly of materials that is intended for occupancy or use by a person and that has at least three walls and a roof.

(For text see House Journal )

#### **Action Under Rule 52**

#### **J.R.H. 25**

Joint resolution requesting the governors of the 19 states that have suspended state implementation planning to continue the compliance process under the Environmental Protection Agency’s Carbon Pollution Emission Guidelines

**(For text see House Journal April 7, 2016)**

#### **NOTICE CALENDAR**

#### **Favorable with Amendment**

#### **J.R.H. 26**

Joint resolution relating to the amendment of the federal Toxic Substances Control Act and its preemption provisions

**Rep. Deen of Westminster**, for the Committee on **Fish, Wildlife & Water Resources**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Joint resolution relating to the amendment of the federal Toxic Substances Control Act and its preemption provisions

Whereas, more than 84,000 chemicals are registered with the Environmental Protection Agency (EPA) for use in the United States, and each year approximately 1,000 chemicals are added to the list, and

Whereas, more than 90 percent of chemicals in commercial use have not been fully tested for potential impacts on human health or the environment, and

Whereas, since Congress's passage in 1976 of the Toxic Substances Control Act, Pub.L. 94-469 (TSCA), approximately 200 chemicals have been fully tested since passage, just five chemicals have been banned or restricted, and no chemicals have been banned in more than 20 years, and

Whereas, biomonitoring studies show that a wide range of chemicals is bioaccumulating in the bodies of Vermonters, and

Whereas, scientific studies demonstrate clear links between certain chemicals and adverse health effects, and

Whereas, the threat of adverse health effects is especially high for certain vulnerable populations such as children or pregnant women, and for these groups, safe exposure levels are much lower, and

Whereas, annually, more than \$2 billion are spent on the medical costs associated with detecting cancer, asthma, and neurobehavioral disorders directly associated with toxic chemicals, and

Whereas, the recent discovery that the chemical perfluorooctanoic acid (PFOA) is contaminating drinking water sources in multiple Vermont locations illustrates the need for legal authority that more effectively regulates toxic chemicals, and

Whereas, the use of PFOA is not regulated and significant health risks to Vermonters exist as a result of pollution from factories closed more than a decade ago, and

Whereas, Vermonters and most other Americans continue to be exposed to PFOA and other perfluorinated chemicals from other sources, including through exposure from products containing the chemicals imported into the United States, and

Whereas, Congress is considering Toxic Substances Control Act (TSCA) reform in two pieces of pending legislation, S.697, The Frank R. Lautenberg Chemical Safety for the 21st Century Act, and H.R. 2576, The TSCA Modernization Act of 2015, and

Whereas, there is broad consensus across industry, environmental, health, science, and government parties that comprehensive reform of the TSCA is

necessary to help better ensure consistent, effective, and scientifically grounded regulation of chemicals, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to pass comprehensive TSCA reform legislation to strengthen and clarify the U.S. Environmental Protection Agency's (EPA) regulation of toxic chemicals, and be it further

Resolved: That the amended TSCA should include a safety standard that identifies and protects vulnerable populations, including potentially exposed workers, children, pregnant women, and those with compromised immune systems, and be it further

Resolved: That before new chemicals are introduced into commerce, the TSCA should be amended to include a requirement that industry include sufficient test data, when it submits premanufacture notices, in order that the EPA can determine if the chemicals meet the safety standard, and be it further

Resolved: That an amended TSCA provide clear timelines for starting and completing safety assessments on chemicals that are proposed for introduction into commerce or already in use in commerce, and for withdrawing from commerce chemicals found to be unsafe, and be it further

Resolved: That the EPA's current authority to require notice of potential new uses of perfluorinated chemicals and other chemicals of concern in products should not be altered or weakened in any way, and be it further

Resolved: That the EPA must receive the necessary financial resources and statutory mandate to initiate a reasonable number of reviews each year on existing chemicals of highest concern, including those already listed on the TSCA Work Plan for Chemical Assessment, and be it further

Resolved: That the states should not be preempted from taking action on a specific chemical until and only if the EPA has taken final action to regulate that chemical and that the scope of preemption should not be broader than the scope of the EPA's action, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to EPA Administrator Gina McCarthy and the Vermont Congressional Delegation.

**( Committee Vote: 6-0-3)**

**Favorable**

**S. 190**

An act relating to maintaining prescription drugs outside the original prescription container

**Rep. Troiano of Stannard**, for the Committee on **Human Services**, recommends that the bill ought to pass in concurrence.

**(Committee Vote: 10-0-1)**

**(For text see Senate Journal February 26, 2016 )**

**Consent Calendar**

**Concurrent Resolutions for Adoption Under Joint Rule 16a**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of April 7, 2016.

**H.C.R. 316**

House concurrent resolution honoring Zachariah Fike and his Purple Hearts Reunited organization

**H.C.R. 317**

House concurrent resolution honoring the Vermont Network Against Domestic and Sexual Violence on its 30th anniversary

**H.C.R. 318**

House concurrent resolution congratulating the Vermont Agency of Transportation on receiving a \$10 million federal Transportation Infrastructure Generating Economic Recovery grant to help complete the western rail corridor from Rutland to Burlington

**H.C.R. 319**

House concurrent resolution congratulating the 2016 College of St. Joseph Lady Saints United States Collegiate Athletic Association Division II championship women's basketball team

**H.C.R. 320**

House concurrent resolution designating April 5, 2016 as National Service Day in Vermont

**H.C.R. 321**

House concurrent resolution commemorating the bicentennial anniversary of the former Concord Corner Congregational Church building

**H.C.R. 322**

House concurrent resolution commemorating former President Calvin Coolidge's historic 1928 presidential trip to Cuba

**H.C.R. 323**

House concurrent resolution congratulating the 2016 U-32 High School Raiders Division II championship boys' ice hockey team

**H.C.R. 324**

House concurrent resolution congratulating the 2016 Bellows Free Academy–St. Albans Bobwhites Division I championship boys' hockey team

**H.C.R. 325**

House concurrent resolution recognizing all Vermont firefighters, police officers, and emergency medical service (EMS) personnel for the professional level of service they provide to their communities

**H.C.R. 326**

House concurrent resolution congratulating the American Tree Farm System on its 75th anniversary

**H.C.R. 327**

House concurrent resolution honoring the entrepreneurship of Maple Sugar & Vermont Spice in Mendon

**H.C.R. 328**

House concurrent resolution congratulating the 2016 U-32 High School Division II girls' championship Nordic ski team

**H.C.R. 329**

House concurrent resolution congratulating Vermont Law School on the inauguration of its solar energy project