

Journal of the House

Tuesday, January 20, 2015

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

Devotional Exercises

Devotional exercises were conducted by Reverend Paul Habersang of Christ Episcopal Church, Montpelier, Vt.

Pledge of Allegiance

Page Isabel Hall of East Montpelier led the House in the Pledge of Allegiance.

Message from the Senate No. 6

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

Mr. Speaker:

I am directed to inform the House that:

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

S.C.R. 1. Senate concurrent resolution congratulating the 2014 Mad River Valley 10- and 11-year-old Little League All-Star Vermont championship baseball team.

S.C.R. 2. Senate concurrent resolution congratulating the Canadian Club Inc. of Barre on its 75th anniversary.

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

H.C.R. 1. House concurrent resolution recognizing January 8, 2015, as Homelessness Awareness Day at the State House.

H.C.R. 2. House concurrent resolution in memory of former Representative Timothy Corcoran of Bennington.

H.C.R. 3. House concurrent resolution congratulating the Otter Valley Union High School Otters' 2014 Division II championship softball team.

H.C.R. 4. House concurrent resolution congratulating Rico Babic on his 100th birthday.

H.C.R. 5. House concurrent resolution honoring former Grafton volunteer

fire chiefs Ed McWilliam and Eric Stevens for their outstanding community service.

H.C.R. 6. House concurrent resolution congratulating Norwich University's Sullivan Museum and History Center on being designated as Vermont's first Smithsonian affiliate.

Message from the Senate No. 7

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

Mr. Speaker:

I am directed to inform the House that:

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

J.R.S. 8. Joint resolution relating to weekend adjournment.

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

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 28

By Reps. Donahue of Northfield and Lewis of Berlin,

House bill, entitled

An act relating to students' right to opt out of computer usage;

To the committee on Education.

H. 29

By Reps. Dickinson of St. Albans Town, Batchelor of Derby, Beyor of Highgate, Branagan of Georgia, Brennan of Colchester, Connor of Fairfield, Cupoli of Rutland City, Dame of Essex, Fiske of Enosburgh, Gamache of Swanton, Higley of Lowell, Juskiewicz of Cambridge, Murphy of Fairfax, Myers of Essex, Parent of St. Albans City, Pearce of Richford, Purvis of Colchester, Savage of Swanton and Van Wyck of Ferrisburgh,

House bill, entitled

An act relating to financing water quality improvement;

To the committee on Fish, Wildlife & Water Resources.

H. 30

By Reps. Pearson of Burlington, Bissonnette of Winooski, Carr of Brandon,

Cole of Burlington, Connor of Fairfield, Davis of Washington, Donovan of Burlington, Frank of Underhill, Gonzalez of Winooski, Head of South Burlington, Johnson of South Hero, Keenan of St. Albans City, Krowinski of Burlington, Macaig of Williston, Martin of Wolcott, McCullough of Williston, Myers of Essex, Patt of Worcester, Ram of Burlington, Savage of Swanton, Stevens of Waterbury, Till of Jericho, Townsend of South Burlington, Woodward of Johnson and Yantachka of Charlotte,

House bill, entitled

An act relating to the monitoring of Vermont's motor fuel oil industry;

To the committee on Commerce & Economic Development.

H. 31

By Reps. Emmons of Springfield, Dakin of Chester and Forguites of Springfield,

House bill, entitled

An act relating to establishing the crime of public intoxication;

To the committee on Judiciary.

H. 32

By Reps. Devereux of Mount Holly, Beck of St. Johnsbury, Christie of Hartford, Cupoli of Rutland City, Evans of Essex, Haas of Rochester, Hebert of Vernon, Higley of Lowell, Hubert of Milton, Juskiewicz of Cambridge, Lewis of Berlin, Manwaring of Wilmington, Martin of Wolcott, Pearce of Richford and Shaw of Pittsford,

House bill, entitled

An act relating to grade levels included in statewide public high school choice;

To the committee on Education.

H. 33

By Reps. Kitzmiller of Montpelier, Dakin of Chester, Hooper of Montpelier, Keenan of St. Albans City, Macaig of Williston, McCullough of Williston and Walz of Barre City,

House bill, entitled

An act relating to authorizing municipalities to regulate the surface water use of public waters used as drinking water supplies;

To the committee on Fish, Wildlife & Water Resources.

H. 34

By Reps. Kitzmiller of Montpelier, Baser of Bristol, Carr of Brandon, Dakin of Colchester, Marcotte of Coventry, Parent of St. Albans City, Sabilia of Dover and Stuart of Brattleboro,

House bill, entitled

An act relating to the process of licensing travel insurance agents;

To the committee on Commerce & Economic Development.

Joint Resolution Placed on Calendar**J.R.H. 1**

Joint resolution expressing support for the Public Service Board's establishment of a FairPoint Communications service investigation docket and urging the company to negotiate in good faith to settle the current employee strike

Offered by: Representatives Poirier of Barre City, Davis of Washington, Ancel of Calais, Bartholomew of Hartland, Beck of St. Johnsbury, Berry of Manchester, Burke of Brattleboro, Buxton of Tunbridge, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Connor of Fairfield, Conquest of Newbury, Dakin of Chester, Deen of Westminster, Donovan of Burlington, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fields of Bennington, Frank of Underhill, French of Randolph, Gonzalez of Winooski, Haas of Rochester, Hooper of Montpelier, Juskiewicz of Cambridge, Kitzmiller of Montpelier, Klein of East Montpelier, Krowinski of Burlington, Lenes of Shelburne, Macaig of Williston, Manwaring of Wilmington, Martin of Wolcott, McCormack of Burlington, McCullough of Williston, McFaun of Barre Town, Miller of Shaftsbury, Morris of Bennington, Nuovo of Middlebury, O'Sullivan of Burlington, Patt of Worcester, Pearson of Burlington, Potter of Clarendon, Rachelson of Burlington, Russell of Rutland City, Ryerson of Randolph, Sharpe of Bristol, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Sweaney of Windsor, Terenzini of Rutland Town, Till of Jericho, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Woodward of Johnson, Yantachka of Charlotte, Young of Glover, and Zagar of Barnard

Whereas, since 2008, FairPoint Communications (FairPoint) has been Vermont's primary provider of landline telecommunications services, and

Whereas, although FairPoint promised to add hundreds of new jobs in the three northern New England states, the company's post-2009 bankruptcy workforce is now 20 percent smaller than in 2008, and

Whereas, in August 2014, FairPoint made what the company described as its last offer to its unionized employees for a new contract, and

Whereas, the proposal would have resulted in reduced benefits, but the unionized employees remained at work for two months and offered FairPoint \$200 million in concessions, and

Whereas, after their best efforts and much frustration, in October 2014 the employees' two unions, the International Brotherhood of Electrical Workers Local 2326 and Communications Workers of America Local 1400, authorized a strike against FairPoint, and

Whereas, since the strike started, consumer complaints have risen approximately 500 percent resulting in much personal and commercial inconvenience, and

Whereas, on November 28, 2014, the State's E-911 system missed 83 calls in part due to FairPoint's operational problems, and

Whereas, at the request of the Department of Public Service, the Public Service Board, on December 9, 2014, established Docket 8390 to investigate the service problems FairPoint has encountered, and

Whereas, Governor Peter Shumlin, the congressional delegation, and the leadership of the General Assembly's Working Vermonters Caucus have written letters to FairPoint's CEO Paul Sunu calling on FairPoint to return in good faith to the negotiating table, and the Caucus' letter indicated that failure to reach a fair and timely settlement would result in General Assembly members' examination of FairPoint's "financial strength and managerial competence to properly serve the people of Vermont," and

Whereas, on January 4, 2015, in Washington, D.C., the Federal Mediation and Conciliation Service convened a meeting between the parties at which the Service assumed a more proactive role than in a prior session, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses support for the Public Service Board's establishment of a FairPoint Communications service investigation docket and urges the management of FairPoint Communications to settle the current employee strike in order to restore reliable telecommunications services in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to FairPoint Communications CEO Paul Sunu, FairPoint Vermont President Beth Fastiggi, Governor Peter Shumlin, the Public Service Department, and the Public Service Board.

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

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

H. 20

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

An act relating to licensed alcohol and drug abuse counselors as participating providers in Medicaid

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

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

H. 15

Rep. Devereux of Mount Holly, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the Town of Colchester

Reported in favor of its passage when amended as follows:

First: In Sec. 2. 24 App. V.S.A. chapter 113, § 403, by redesignating the title to read:

§ 403. OATH; ~~BOND~~

Second: By striking out Sec. 3 in its entirety and inserting in lieu thereof the following:

Sec. 3. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 2. 24 App. V.S.A. chapter 113, § 702(a) and (b) (taxation penalty and interest) shall take effect on July 1, 2015.

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

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and

passed and, on motion of **Rep. Turner of Milton** the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Adjournment

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