

Journal of the House

Tuesday, January 27, 2015

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Pledge of Allegiance

Page Brittney Commo of Essex led the House in the Pledge of Allegiance.

Message from the Senate No. 8

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 considered a bill originating in the House of the following title:

H. 15. An act relating to approval of amendments to the charter of the Town of Colchester.

And has passed the same in concurrence.

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

H.C.R. 7. House concurrent resolution congratulating the 2014 Wendy's High School Heisman Awards' Vermont State winners Abigail Schmidt and John Winslow.

H.C.R. 8. House concurrent resolution congratulating the 2014 Essex Union High School Hornets State championship boys' volleyball team.

H.C.R. 9. House concurrent resolution congratulating Dr. Delores Barbeau on being named by the Vermont Academy of Family Physicians as the 2014 Physician of the Year.

H.C.R. 10. House concurrent resolution congratulating the Essex Union High School Hornets 2014 Division I championship field hockey team.

H.C.R. 11. House concurrent resolution House concurrent resolution congratulating the 2014 Black River High School Presidents' Division IV championship softball team.

H.C.R. 12. House concurrent resolution designating January 2015 as National Mentoring Month in Vermont.

H.C.R. 13. House concurrent resolution in memory of former Representative Marion Milne of Washington.

H.C.R. 14. House concurrent resolution congratulating the Dolloff Acres Farm in Springfield on its winning the 2014 Vermont Dairy Farm of the Year Award.

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. 61

By Reps. Botzow of Pownal, Corcoran of Bennington, Kitzmiller of Montpelier, Lanpher of Vergennes, Marcotte of Coventry and Russell of Rutland City,

House bill, entitled

An act relating to motor vehicle titles;

To the committee on Transportation.

H. 62

By Reps. Rachelson of Burlington, Jewett of Ripton, Ram of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to prohibiting a sentence of life without parole for a person who was under 18 years of age at the time of the commission of the offense;

To the committee on Judiciary.

H. 63

By Reps. Young of Glover and Clarkson of Woodstock,

House bill, entitled

An act relating to increasing the per diems of certain board and commission members;

To the committee on Government Operations.

H. 64

By Reps. Grad of Moretown and Greshin of Warren,

House bill, entitled

An act relating to reforming the State education funding system;
To the committee on Education.

H. 65

By Reps. Murphy of Fairfax, Sibia of Dover, Branagan of Georgia, Burke of Brattleboro, Huntley of Cavendish, Keenan of St. Albans City, Long of Newfane and Lucke of Hartford,

House bill, entitled

An act relating to designating the Gilfeather turnip as the State Vegetable;
To the committee on General, Housing and Military Affairs.

H. 66

By Reps. Olsen of Londonderry, Conquest of Newbury, Jewett of Ripton, Komline of Dorset, Krowinski of Burlington, Manwaring of Wilmington, Miller of Shaftsbury, Parent of St. Albans City, Pearson of Burlington, Pugh of South Burlington, Ram of Burlington, Sibia of Dover, Trieber of Rockingham and Young of Glover,

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 & Means.

H. 67

By Reps. Hubert of Milton and Higley of Lowell,

House bill, entitled

An act relating to the numbering of exit signs on the interstate highway system within Vermont;

To the committee on Transportation.

H. 68

By Reps. Condon of Colchester, Hubert of Milton, Keenan of St. Albans City and Young of Glover,

House bill, entitled

An act relating to prohibiting the use of robotic telephone calls for electioneering communications unless the operator has obtained consent from the recipient;

To the committee on Government Operations.

H. 69

By Reps. Grad of Moretown and Greshin of Warren,

House bill, entitled

An act relating to reforming the State education financing system;

To the committee on Education.

H. 70

By Reps. Hubert of Milton, Batchelor of Derby, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Condon of Colchester, Cupoli of Rutland City, Devereux of Mount Holly, Fagan of Rutland City, Graham of Williamstown, Hebert of Vernon, Juskiewicz of Cambridge, Morrissey of Bennington, Myers of Essex, Quimby of Concord, Savage of Swanton, Terenzini of Rutland Town and Wright of Burlington,

House bill, entitled

An act relating to casino gaming;

To the committee on General, Housing & Military Affairs.

H. 71

By Reps. Donahue of Northfield, Dakin of Chester, Morris of Bennington, Poirier of Barre City and Woodward of Johnson,

House bill, entitled

An act relating to the Mental Health Resource and Referral Registry;

To the committee on Health Care.

H. 72

By Reps. Donahue of Northfield, Gage of Rutland City, Poirier of Barre City and Woodward of Johnson,

House bill, entitled

An act relating to the Office of the Mental Health Care Ombudsman;

To the committee on Human Services.

H. 73

By Reps. Botzow of Pownal, Marcotte of Coventry, Carr of Brandon, Dakin of Colchester, Keenan of St. Albans City, Kitzmiller of Montpelier, O'Sullivan of Burlington and Strong of Albany,

House bill, entitled

An act relating to the corporate governance structure of insurers;

To the committee on Commerce & Economic Development.

H. 74

By Reps. Pugh of South Burlington, French of Randolph, McFaun of Barre Town and Mrowicki of Putney,

House bill, entitled

An act relating to safety protocols for social and mental health workers;

To the committee on Human Services.

H. 75

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to the Office of the Child Advocate;

To the committee on Human Services.

H. 76

By Reps. Wright of Burlington, Buxton of Tunbridge, Christie of Hartford, Condon of Colchester, Cupoli of Rutland City, Eastman of Orwell, Juskiewicz of Cambridge and Komline of Dorset,

House bill, entitled

An act relating to the requirement of mandatory binding arbitration and to the elimination of strikes and imposed contracts in connection with collective bargaining for teachers' and school administrators' contracts;

To the committee on General, Housing & Military Affairs.

H. 77

By Reps. Komline of Dorset, Zagar of Barnard, Burke of Brattleboro, Conquest of Newbury, McCormack of Burlington, Poirier of Barre City and Toleno of Brattleboro,

House bill, entitled

An act relating to increasing consumer access to health care cost information;

To the committee on Health Care.

H. 78

By Reps. Higley of Lowell, Gage of Rutland City, Browning of Arlington, Burditt of West Rutland, Condon of Colchester, Devereux of Mount Holly, Dickinson of St. Albans Town, Hubert of Milton, LaClair of Barre Town, Lewis of Berlin, Morrissey of Bennington, Smith of New Haven, Strong of Albany and Terenzini of Rutland Town,

House bill, entitled

An act relating to making health insurance plans available outside the Exchange and to purchasing health insurance across state lines;

To the committee on Health Care.

H. 79

By Reps. Klein of East Montpelier and Greshin of Warren,

House bill, entitled

An act relating to creating a statewide per pupil spending amount;

To the committee on Education.

H. 80

By Reps. Condon of Colchester, Canfield of Fair Haven, Devereux of Mount Holly, Graham of Williamstown, Higley of Lowell, Hubert of Milton, Komline of Dorset, O'Sullivan of Burlington, Purvis of Colchester and Till of Jericho,

House bill, entitled

An act relating to declaring August 29 and 30, 2015, a State sales tax holiday;

To the committee on Ways & Means.

H. 81

By Reps. Wright of Burlington, Browning of Arlington, Komline of Dorset, Pearson of Burlington and Poirier of Barre City,

House bill, entitled

An act relating to prohibiting lobbyists from making campaign contributions to political parties and legislative political committees while the General Assembly is in session;

To the committee on Government Operations.

H. 82

By the committee on Appropriations,
An act relating to fiscal year 2015 budget adjustments;
Under the rule, placed on the Calendar for notice.

Message from the Senate No. 9

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. 11. Joint resolution relating to weekend adjournment.

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

Bill Amended; Third Reading Ordered**H. 4**

Rep. McCullough of Williston, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to prohibiting the manufacture or sale of personal care products and over-the-counter drugs containing microbeads

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) Microbeads are a synthetic alternative ingredient in personal care products and over-the-counter drugs that are used in place of natural materials such as ground almonds, oatmeal, and pumice.

(2) Microbeads are found in over 100 personal care products and over-the-counter drugs that are sold in the State and that ultimately are flushed down drains as part of the intended use of the product.

(3) Most municipal wastewater treatment plants in the State do not effectively filter microbeads from water discharged to rivers and lakes.

(4) Plastic microbeads are persistent organic compounds that attract other pollutants commonly present in the environment, many of which are recognized to have serious deleterious impacts on human health or the

environment, including dichlorodiphenyltrichloroethane (DDT), dichlorodiphenyldichloroethylene (DDE), polychlorinated biphenyl (PCBs), and flame-retardants.

(5) Chemicals from plastics, such as PCBs, polycyclic aromatic hydrocarbons (PAHs), and polybrominated diphenyl ethers (PBDEs), transfer to fish tissue during digestion, bioaccumulate, and result in liver damage.

(6) Fish consumed by humans have been found to have ingested plastic microbeads.

(7) There are economically feasible alternatives to plastic microbeads, as indicated by the current use of biodegradable, natural, and abrasive materials in many consumer personal care products.

(8) Updating municipal wastewater treatment plants so that they effectively filter microbeads likely would be costly and take many years.

(9) To prevent the continued harmful effects of microbeads on State waters without expending significant time and money to update wastewater treatment plants, synthetic microbeads should be banned from manufacture and sale in the State.

Sec. 2. 10 V.S.A. chapter 47, subchapter 5 is amended to read:

Subchapter 5. Detergents ~~and~~₂ Household Cleansing Products₂ and Personal Care Products

§ 1381. DEFINITIONS

As used in this subchapter:

* * *

(2) “Household cleansing product” means any product, including ~~but not limited to~~ soaps and detergents used for domestic or commercial cleaning purposes, including ~~but not limited to~~, the cleansing of fabric, dishes, food utensils₂ and household and commercial premises. Household cleansing product shall not mean:

(A) ~~Food~~ food, drugs₂ and cosmetics, including personal care items such as toothpaste, shampoo₂ and hand soap;

(B) ~~Products~~ products labeled, advertised, marketed₁ and distributed for use primarily as economic poisons as defined in 6 V.S.A. § 911(5).

* * *

(7) “Biodegradable” means the capability of a substance to break down completely in the natural environment that the substance is likely to encounter within 24 months of its disposal, through a biological process of

decomposition into elements or compounds commonly found in that environment.

(8) “Over-the-counter drug” means a compound, substance, or preparation that contains a label that identifies the product as a drug, as required by 21 C.F.R. § 201.66, and that includes a drug facts panel or a statement of the active ingredient or ingredients contained in the compound, substance, or preparation.

(9)(A) “Personal care product” means any article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and any article intended for use as a component of any such article.

(B) “Personal care product” shall not include any prescription drug, as that term is defined in 18 V.S.A. § 4201(41).

(10) “Plastic” means a synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during life cycle and after disposal.

(11) “Synthetic plastic microbead” means an intentionally added nonbiodegradable solid plastic particle less than five millimeters in size.

§ 1382. PROHIBITIONS; HOUSEHOLD CLEANING PRODUCTS

(a) No household cleansing products containing a phosphorus compound in concentrations in excess of a trace quantity may be distributed, sold, offered for sale at retail or wholesale, exposed for sale at retail or wholesale, or used in a commercial establishment in this ~~state~~ State, except as set forth in subsections (b) and (c) of this section.

* * *

§ 1383a. PROHIBITIONS; PERSONAL CARE PRODUCTS; OVER-THE-COUNTER DRUGS; MICROBEADS

(a) Manufacture of personal care products. Beginning on December 31, 2017, no person shall manufacture in the State a personal care product that contains synthetic plastic microbeads, except for an over-the-counter drug.

(b) Sale of personal care products. Beginning on December 31, 2018, no person shall sell, offer for sale, offer for promotion, or otherwise distribute in the State a personal care product that contains synthetic plastic microbeads, except for an over-the-counter drug.

(c) Manufacture of over-the-counter drugs. Beginning on December 31, 2018, no person shall manufacture in the State an over-the-counter drug containing synthetic plastic microbeads.

(d) Sale of over-the-counter drugs. Beginning on December 31, 2019, no person shall sell, offer for sale, offer for promotion, or otherwise distribute in the State an over-the-counter drug that contains synthetic plastic microbeads.

* * *

Sec. 3. EFFECTIVE DATE

This act 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 Fish, Wildlife & Water Resources agreed to and third reading ordered.

Favorable Report; Third Reading Ordered

H. 17

Rep. Cole of Burlington, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to identification and notification of Public Records Act exemptions in administrative rules

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.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 65

Rep. Head of South Burlington moved that the committee on General, Housing & Military Affairs be relieved of House bill, entitled

An act relating to designating the Gilfeather turnip as the State Vegetable

And that the bill be committed to the committee on Agriculture & Forest Products, which was agreed to.

Adjournment

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